

Amendment No. 988

Senate Amendment to Senate Bill No. 302 First Reprint	(BDR 34-567)
Proposed by: Senate Committee on Finance	
Amendment Box: Replaces Amendment No. 983.	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/RBL



Date: 5/27/2015

S.B. No. 302—Establishes a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to a certain percentage of the per-pupil amount apportioned to the resident school district of the child. (BDR 34-567)



SENATE BILL NO. 302—SENATOR HAMMOND

MARCH 16, 2015

Referred to Committee on Education

SUMMARY—Establishes a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to a certain percentage of the **statewide average basic support** per-pupil ~~amount apportioned to the resident school district of the child.~~ (BDR 34-567)

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 a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to ~~a certain percentage of~~ the **statewide average basic support** per-pupil ~~amount apportioned to the resident school district of the child;~~ providing for the amount of each grant to be deducted from the total apportionment to the school district; providing a child who receives a grant and is not enrolled in a private school with certain rights and responsibilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each child between the ages of 7 and 18 years to attend a public school of the State, attend a private school or be homeschooled. (NRS 392.040, 392.070) Existing law also provides for each school district to receive certain funding from local sources and to receive from the State an apportionment per pupil of basic support for the schools in the school district. (NRS 387.1235, 387.124) This bill establishes a program by which a child enrolled in a private school may receive a grant of money in an amount equal to 90 percent, or, if the child ~~has special needs~~ **is a pupil with a disability** or **has** a household income that is less than 185 percent of the federally designated level signifying poverty, 100 percent, of the ~~sum of the amounts of local and~~ **statewide average** basic support per pupil. **Sections 7 and 8** of this bill allow a child to enroll part-time in a public school while receiving part of his or her instruction from an entity that participates in the program to receive a partial grant. Money from the grant may be used only for specified purposes.

Section 7 of this bill authorizes the parent of a child who is required to attend school and who has attended a public school for 100 consecutive school days to enter into an agreement with the State Treasurer, according to which the child will receive instruction from certain entities and receive the grant. Each agreement is valid for 1 school year but may be terminated early and may be renewed for any subsequent school year. Not entering into or renewing an agreement for any given school year does not preclude the parent from entering into or renewing an agreement for any subsequent year.

If such an agreement is entered into, an education savings account must be opened by the parent on behalf of the child. Under **section 8** of this bill, for any school year for which the agreement is entered into or renewed, the State Treasurer must deposit the amount of the grant into the education savings account. ~~Section 8 also allows any money remaining in an education savings account when the child graduates high school to be used for postsecondary education in this State. Such money reverts to the State General Fund 4 years after the date on which the child graduated from high school if not used unless the State Treasurer extends the period upon a showing of good cause.~~ Under **section 16** of this bill, the amount of the grant must be deducted from the total apportionment to the resident school district of the child on whose behalf the grant is made. **Section 8** provides that the State Treasurer may deduct from the amount of the grant not more than 3 percent for the administrative costs of implementing the provisions of this bill.

Section 9 of this bill lists the authorized uses of grant money deposited in an education savings account. **Section 9** also prohibits certain refunds, rebates or sharing of payments made from money in an education savings account.

Under **section 10** of this bill, the State Treasurer may qualify private financial management firms to manage the education savings accounts. The State Treasurer must establish reasonable fees for the management of the education savings accounts. Those fees may be paid from the money deposited in an education savings account.

Section 11 of this bill provides requirements for a private school, college or university, program of distance education, accredited tutor or tutoring facility or the parent of a child to participate in the grant program established by this bill by providing instruction to children on whose behalf the grants are made. The State Treasurer may refuse to allow such an entity to continue to participate in the program if the State Treasurer finds that the entity fails to comply with applicable provisions of law or has failed to provide educational services to a child who is participating in the program. **Section 16.2** of this bill authorizes a child who is participating in the program to enroll in a program of distance education if the child is only receiving a portion of his or her instruction from a participating entity.

Under **section 12** of this bill, each child on whose behalf a grant is made must take certain standardized examinations in mathematics and English language arts. Subject to applicable federal privacy laws, a participating entity must provide those test results to the Department of Education, which must aggregate the results and publish data on the results and on the academic progress of children on behalf of whom grants are made. Under **section 13** of this bill, the State Treasurer must make available a list of all entities who are participating in the grant program, other than a parent of a child. **Section 13** also requires the Department to require resident school districts to provide certain academic records to participating entities.

Sections 15.1 and 16.4 of this bill provide that a child who participates in the program but who does not enroll in a private school is an opt-in child. **Section 16.4** requires the parent or guardian of such a child to notify the school district where the child would otherwise attend or the charter school in which the child was previously enrolled, as applicable.

Existing law requires the parent of a homeschooled child who wishes to participate in activities at a public school, including a charter school, through a school district or through the Nevada Interscholastic Activities Association to file a notice of intent to participate with the school district in which the child resides. (NRS 386.430, 386.580, 392.705) **Section 16.5** of this bill enacts similar requirements for the parents of an opt-in child who wishes to participate with the school district. **Sections 15.2 and 15.3** of this bill authorize an opt-in child to participate in the Nevada Youth Legislature. **Sections 15.4-15.8 and 16.7** of this bill authorize an opt-in child to participate in activities at a public school, through a school district or through the Nevada Interscholastic Activities Association if the parent files a notice of intent to participate. **Section 16.6** of this bill requires an opt-in child who wishes to enroll in a public high school to provide proof demonstrating competency in courses required for promotion to high school similar to that required of a homeschooled child who wishes to enroll in a public high school.

Section 14 of this bill provides that the provisions of this bill may not be deemed to infringe on the independence or autonomy of any private school or to make the actions of a private school the actions of the government of this State. **Section 15.9** of this bill exempts grants deposited in an education savings account from a prohibition on the use of public school funds for other purposes.

Existing law requires children who are suspended or expelled from a public school for certain reasons to enroll in a private school or program of independent study or be homeschooled. (NRS 392.466) **Section 16.8** of this bill authorizes such a child to be an opt-in child.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, 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. *“Education savings account” means an account established for a child pursuant to section 7 of this act.*

Sec. 3.5. *“Eligible institution” means:*

1. A university, state college or community college within the Nevada System of Higher Education; or

2. Any other college or university that:

(a) Was originally established in, and is organized under the laws of, this State;

(b) Is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3); and

(c) Is accredited by a regional accrediting agency recognized by the United States Department of Education.

Sec. 4. *“Parent” means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.*

Sec. 5. *“Participating entity” means a private school that is licensed pursuant to chapter 394 of NRS or exempt from such licensing pursuant to NRS 394.211, an eligible institution, a program of distance education that is not offered by a public school or the Department, a tutor or tutoring agency or a parent that has provided to the State Treasurer the application described in subsection 1 of section 11 of this act.*

Sec. 5.5. *“Program of distance education” has the meaning ascribed to it in NRS 388.829.*

Sec. 6. *“Resident school district” means the school district in which a child would be enrolled based on his or her residence.*

Sec. 7. *1. Except as otherwise provided in subsection 10, the parent of any child required by NRS 392.040 to attend a public school who has been enrolled in a public school in this State during the period immediately preceding the establishment of an education savings account pursuant to this section for not less than 100 school days without interruption may establish an education savings account for the child by entering into a written agreement with the State Treasurer, in a manner and on a form provided by the State Treasurer. The agreement must provide that:*

(a) The child will receive instruction in this State from a participating entity for the school year for which the agreement applies;

(b) The child will receive a grant, in the form of money deposited pursuant to section 8 of this act in the education savings account established for the child pursuant to subsection 2;

1 (c) The money in the education savings account established for the child
2 must be expended only as authorized by section 9 of this act; and

3 (d) The State Treasurer will freeze money in the education savings account
4 during any break in the school year, including any break between school years.

5 2. If an agreement is entered into pursuant to subsection 1, an education
6 savings account must be established by the parent on behalf of the child. The
7 account must be maintained with a financial management firm qualified by the
8 State Treasurer pursuant to section 10 of this act ~~for with a bank or other~~
9 ~~financial institution.~~

10 3. The failure to enter into an agreement pursuant to subsection 1 for any
11 school year for which a child is required by NRS 392.040 to attend a public
12 school does not preclude the parent of the child from entering into an agreement
13 for a subsequent school year.

14 4. An agreement entered into pursuant to subsection 1 is valid for 1 school
15 year but may be terminated early. If the agreement is terminated early, the child
16 may not receive instruction from a public school in this State until the end of the
17 period for which the last deposit was made into the education savings account
18 pursuant to section 8 of this act, except to the extent the pupil was allowed to
19 receive instruction from a public school under the agreement.

20 5. An agreement terminates automatically if the child no longer resides in
21 this State. In such a case, any money remaining in the education savings account
22 of the child reverts to the State General Fund.

23 6. An agreement may be renewed for any school year for which the child is
24 required by NRS 392.040 to attend a public school. The failure to renew an
25 agreement for any school year does not preclude the parent of the child from
26 renewing the agreement for any subsequent school year.

27 7. A parent may enter into a separate agreement pursuant to subsection 1
28 for each child of the parent. Not more than one education savings account may
29 be established for a child.

30 8. Except as otherwise provided in subsection 10, the State Treasurer shall
31 enter into or renew an agreement pursuant to this section with any parent of a
32 child required by NRS 392.040 to attend a public school who applies to the State
33 Treasurer in the manner provided by the State Treasurer. The State Treasurer
34 shall make the application available on the Internet website of the State
35 Treasurer.

36 9. Upon entering into or renewing an agreement pursuant to this section,
37 the State Treasurer shall provide to the parent who enters into or renews the
38 agreement a written explanation of the authorized uses, pursuant to section 9 of
39 this act, of the money in an education savings account and the responsibilities of
40 the parent and the State Treasurer pursuant to the agreement and sections 2 to
41 15, inclusive, of this act.

42 10. A parent may not establish an education savings account for a child
43 who will be homeschooled, who will receive instruction outside this State or who
44 will remain enrolled full-time in a public school, regardless of whether such a
45 child receives instruction from a participating entity. A parent may establish an
46 education savings account for a child who receives a portion of his or her
47 instruction from a public school and a portion of his or her instruction from a
48 participating entity.

49 Sec. 8. 1. If a parent enters into or renews an agreement pursuant to
50 section 7 of this act, a grant of money on behalf of the child must be deposited in
51 the education savings account of the child.

2. Except as otherwise provided in subsections 3 and 4, the grant required by subsection 1 must, for the school year for which the grant is made, be in an amount equal to:

(a) For a child ~~with special needs~~ who is a pupil with a disability, as defined in NRS 388.440, or a child with a household income that is less than 185 percent of the federally designated level signifying poverty, 100 percent of the ~~sum of the~~ statewide average basic support per pupil; ~~in the county in which the child resides, plus the amount of local funds available per pupil pursuant to NRS 387.1235;~~ and

(b) For all other children, 90 percent of the ~~sum of the~~ statewide average basic support per pupil; ~~in the county in which the child resides plus the amount of local funds available per pupil pursuant to NRS 387.1235;~~

3. If a child receives a portion of his or her instruction from a participating entity and a portion of his or her instruction from a public school, for the school year for which the grant is made, the grant required by subsection 1 must be in a pro rata based on amount the percentage of the total instruction provided to the child by the participating entity in proportion to the total instruction provided to the child.

4. The State Treasurer may deduct not more than 3 percent of each grant for the administrative costs of implementing the provisions of sections 2 to 15, inclusive, of this act.

5. The State Treasurer shall deposit the money for each grant in quarterly installments pursuant to a schedule determined by the State Treasurer.

6. Any money remaining in an education savings account:

(a) At the end of a school year may be carried forward to the next school year if the agreement entered into pursuant to section 7 of this act is renewed.

(b) When an agreement entered into pursuant to section 7 of this act is not renewed or is terminated ~~while the child is still required by NRS 392.040 to attend a public school,~~ because the child for whom the account was established graduates from high school or for any other reason, reverts to the State General Fund at the end of the last day of the agreement.

~~(c) When the child for whom the account was established graduates from high school, may be carried forward and used in the manner authorized in section 9 of this act. Such money reverts to the State General Fund 4 years after the date on which the child graduates from high school if not used unless the State Treasurer allows the money to be carried forward for a longer period upon a showing of good cause. Good cause may be established if the person for whom the account was established has been actively serving or participating in a charitable, religious or public service assignment or mission and as a result was prevented from using the money in the account within 4 years.~~

~~7. A child on whose behalf a grant is made pursuant to this section must be counted in the enrollment of his or her resident school district only for the purpose of calculating the amount described in subsection 2;~~

Sec. 9. 1. ~~Except as otherwise provided in subsection 2, money~~ Money deposited in an education savings account must be used only to pay for:

(a) Tuition and fees at a school that is a participating entity in which the child is enrolled;

(b) Textbooks required for a child who enrolls in a school that is a participating entity;

(c) Tutoring or other teaching services provided by a tutor or tutoring facility that is a participating entity;

(d) Tuition and fees for a program of distance education that is a participating entity;

(e) Fees for any national norm-referenced achievement examination, advanced placement or similar examination or standardized examination required for admission to a college or university;

~~(f) [Payments to the Nevada Higher Education Prepaid Tuition Trust Fund created by NRS 353B.140 pursuant to a prepaid tuition contract entered into on behalf of the child or the Nevada College Savings Trust Fund created by NRS 353B.340 pursuant to a savings trust agreement entered into on behalf of the child;~~

~~—(g) If the child is a pupil with a disability, as that term is defined in NRS 388.440, fees for any special instruction or special services provided to the child;~~

~~(h)~~ (g) Tuition and fees at an eligible institution that is a participating entity;

~~(i)~~ (h) Textbooks required for the child at an eligible institution that is a participating entity or to receive instruction from any other participating entity;

~~(j)~~ (i) Fees for the management of the education savings account, as described in section 10 of this act;

~~(k)~~ (j) Transportation required for the child to travel to and from a participating entity or any combination of participating entities up to but not to exceed \$750 per school year; or

~~(l)~~ (k) Purchasing a curriculum or any supplemental materials required to administer the curriculum.

2. ~~[Money that is carried forward in an education savings account after the child for whom the account was established graduates from high school pursuant to section 8 of this act may be used to pay for any postsecondary education that is provided by an institution or entity located in this State.~~

~~3.~~ A participating entity that receives a payment authorized by subsection 1 shall not:

(a) Refund any portion of the payment to the parent who made the payment, unless the refund is for an item that is being returned or an item or service that has not been provided; or

(b) Rebate or otherwise share any portion of the payment with the parent who made the payment.

~~(4)~~ 3. A parent who receives a refund pursuant to subsection ~~(3)~~ 2 shall deposit the refund in the education savings account from which the money refunded was paid.

~~(5)~~ 4. Nothing in this section shall be deemed to prohibit a parent or child from making a payment for any tuition, fee, service or product described in subsection 1 from a source other than the education savings account of the child.

Sec. 10. 1. The State Treasurer shall qualify one or more private financial management firms to manage education savings accounts and shall establish reasonable fees, based on market rates, for the management of education savings accounts.

2. An education savings account must be audited randomly each year by a certified or licensed public accountant. The State Treasurer may provide for additional audits of an education savings account as it determines necessary.

3. If the State Treasurer determines that there has been substantial misuse of the money in an education savings account, the State Treasurer may:

(a) Freeze or dissolve the account, subject to any regulations adopted by the State Treasurer providing for notice of such action and opportunity to respond to the notice; and

(b) Give notice of his or her determination to the Attorney General or the district attorney of the county in which the parent resides.

1 **Sec. 11. 1.** *The following persons may become a participating entity by*
2 *submitting an application demonstrating that the person is:*

3 (a) *A private school licensed pursuant to chapter 394 of NRS or exempt from*
4 *such licensing pursuant to NRS 394.211;*

5 (b) *An eligible institution;*

6 (c) *A program of distance education that is not operated by a public school*
7 *or the Department;*

8 (d) *A tutor or tutoring facility that is accredited by a state, regional or*
9 *national accrediting organization; or*

10 (e) *The parent of a child.*

11 2. *The State Treasurer shall approve an application submitted pursuant to*
12 *subsection 1 or request additional information to demonstrate that the person*
13 *meets the criteria to serve as a participating entity. If the applicant is unable to*
14 *provide such additional information, the State Treasurer may deny the*
15 *application.*

16 3. *If it is reasonably expected that a participating entity will receive, from*
17 *payments made from education savings accounts, more than \$50,000 during any*
18 *school year, the participating entity shall annually, on or before the date*
19 *prescribed by the State Treasurer by regulation:*

20 (a) *Post a surety bond in an amount equal to the amount reasonably*
21 *expected to be paid to the participating entity from education savings accounts*
22 *during the school year; or*

23 (b) *Provide evidence satisfactory to the State Treasurer that the participating*
24 *entity otherwise has unencumbered assets sufficient to pay to the State Treasurer*
25 *an amount equal to the amount described in paragraph (a).*

26 4. *Each participating entity that accepts payments made from education*
27 *savings accounts shall provide a receipt for each such payment to the parent who*
28 *makes the payment.*

29 5. *The State Treasurer may refuse to allow an entity described in subsection*
30 *1 to continue to participate in the grant program provided for in sections 2 to 15,*
31 *inclusive, of this act if the State Treasurer determines that the entity:*

32 (a) *Has routinely failed to comply with the provisions of sections 2 to 15,*
33 *inclusive, of this act; or*

34 (b) *Has failed to provide any educational services required by law to a child*
35 *receiving instruction from the entity if the entity is accepting payments made*
36 *from the education savings account of the child.*

37 6. *If the State Treasurer takes an action described in subsection 5 against*
38 *an entity described in subsection 1, the State Treasurer shall provide immediate*
39 *notice of the action to each parent of a child receiving instruction from the entity*
40 *who has entered into or renewed an agreement pursuant to section 7 of this act*
41 *and on behalf of whose child a grant of money has been deposited pursuant to*
42 *section 8 of this act.*

43 **Sec. 12. 1.** *Each participating entity that accepts payments for tuition and*
44 *fees made from education savings accounts shall:*

45 (a) *Ensure that each child on whose behalf a grant of money has been*
46 *deposited pursuant to section 8 of this act and who is receiving instruction from*
47 *the participating entity takes:*

48 (1) *Any examinations in mathematics and English language arts*
49 *required for pupils of the same grade pursuant to chapter 389 of NRS; or*

50 (2) *Norm-referenced achievement examinations in mathematics and*
51 *English language arts each school year;*

52 (b) *Provide for value-added assessments of the results of the examinations*
53 *described in paragraph (a); and*

1 (c) Subject to the Family Educational Rights and Privacy Act of 1974, 20
2 U.S.C. § 1232g, and any regulations adopted pursuant thereto, provide the results
3 of the examinations described in paragraph (a) to the Department or an
4 organization designated by the Department pursuant to subsection 4.

5 2. The Department shall:

6 (a) Aggregate the examination results provided pursuant to subsection 1
7 according to the grade level, gender, race and family income level of each child
8 whose examination results are provided; and

9 (b) Subject to the Family Educational Rights and Privacy Act of 1974, 20
10 U.S.C. § 1232g, and any regulations adopted pursuant thereto, make available on
11 the Internet website of the Department:

12 (1) The aggregated results and any associated learning gains; and

13 (2) After 3 school years for which examination data has been collected,
14 the graduation rates, as applicable, of children whose examination results are
15 provided.

16 3. The State Treasurer shall administer an annual survey of parents who
17 enter into or renew an agreement pursuant to section 7 of this act. The survey
18 must ask each parent to indicate the number of years the parent has entered into
19 or renewed such an agreement and to express:

20 (a) The relative satisfaction of the parent with the grant program established
21 pursuant to sections 2 to 15, inclusive, of this act; and

22 (b) The opinions of the parent regarding any topics, items or issues that the
23 State Treasurer determines may aid the State Treasurer in evaluating and
24 improving the effectiveness of the grant program established pursuant to sections
25 2 to 15, inclusive, of this act.

26 4. The Department may arrange for a third-party organization to perform
27 the duties of the Department prescribed by this section.

28 Sec. 13. 1. The State Treasurer shall annually make available a list of
29 participating entities, other than any parent of a child.

30 2. Subject to the Family Educational Rights and Privacy Act of 1974, 20
31 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the Department
32 shall annually require the resident school district of each child on whose behalf a
33 grant of money is made pursuant to section 8 of this act to provide to the
34 participating entity any educational records of the child.

35 Sec. 14. Except as otherwise provided in sections 2 to 15, inclusive, of this
36 act, nothing in the provisions of sections 2 to 15, inclusive, of this act, shall be
37 deemed to limit the independence or autonomy of a participating entity or to
38 make the actions of a participating entity the actions of the State Government.

39 Sec. 15. The State Treasurer shall adopt any regulations necessary or
40 convenient to carry out the provisions of sections 2 to 15, inclusive, of this act.

41 Sec. 15.1. NRS 385.007 is hereby amended to read as follows:

42 385.007 As used in this title, unless the context otherwise requires:

43 1. "Charter school" means a public school that is formed pursuant to the
44 provisions of NRS 386.490 to 386.649, inclusive.

45 2. "Department" means the Department of Education.

46 3. "Homeschooled child" means a child who receives instruction at home and
47 who is exempt from compulsory attendance pursuant to NRS 392.070 ~~H~~, but does
48 not include an opt-in child.

49 4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. §
50 7801(25).

51 5. "Opt-in child" means a child for whom an education savings account has
52 been established pursuant to section 7 of this act, who is not enrolled full-time in

1 *a public or private school and who receives all or a portion of his or her*
2 *instruction from a participating entity, as defined in section 5 of this act.*

3 6. "Public schools" means all kindergartens and elementary schools, junior
4 high schools and middle schools, high schools, charter schools and any other
5 schools, classes and educational programs which receive their support through
6 public taxation and, except for charter schools, whose textbooks and courses of
7 study are under the control of the State Board.

8 ~~6+~~ 7. "State Board" means the State Board of Education.

9 ~~7+~~ 8. "University school for profoundly gifted pupils" has the meaning
10 ascribed to it in NRS 392A.040.

11 **Sec. 15.2.** NRS 385.525 is hereby amended to read as follows:

12 385.525 1. To be eligible to serve on the Youth Legislature, a person:

13 (a) Must be:

14 (1) A resident of the senatorial district of the Senator who appoints him or
15 her;

16 (2) Enrolled in a public school or private school located in the senatorial
17 district of the Senator who appoints him or her; or

18 (3) A homeschooled child *or opt-in child* who is otherwise eligible to be
19 enrolled in a public school in the senatorial district of the Senator who appoints him
20 or her;

21 (b) Except as otherwise provided in subsection 3 of NRS 385.535, must be:

22 (1) Enrolled in a public school or private school in this State in grade 9, 10
23 or 11 for the first school year of the term for which he or she is appointed; or

24 (2) A homeschooled child *or opt-in child* who is otherwise eligible to
25 enroll in a public school in this State in grade 9, 10 or 11 for the first school year of
26 the term for which he or she is appointed; and

27 (c) Must not be related by blood, adoption or marriage within the third degree
28 of consanguinity or affinity to the Senator who appoints him or her or to any
29 member of the Assembly who collaborated to appoint him or her.

30 2. If, at any time, a person appointed to the Youth Legislature changes his or
31 her residency or changes his or her school of enrollment in such a manner as to
32 render the person ineligible under his or her original appointment, the person shall
33 inform the Board, in writing, within 30 days after becoming aware of such changed
34 facts.

35 3. A person who wishes to be appointed or reappointed to the Youth
36 Legislature must submit an application on the form prescribed pursuant to
37 subsection 4 to the Senator of the senatorial district in which the person resides, is
38 enrolled in a public school or private school or, if the person is a homeschooled
39 child ~~or~~ *or opt-in child*, the senatorial district in which he or she is otherwise
40 eligible to be enrolled in a public school. A person may not submit an application to
41 more than one Senator in a calendar year.

42 4. The Board shall prescribe a form for applications submitted pursuant to this
43 section, which must require the signature of the principal of the school in which the
44 applicant is enrolled or, if the applicant is a homeschooled child ~~or~~ *or opt-in child*,
45 the signature of a member of the community in which the applicant resides other
46 than a relative of the applicant.

47 **Sec. 15.3.** NRS 385.535 is hereby amended to read as follows:

48 385.535 1. A position on the Youth Legislature becomes vacant upon:

49 (a) The death or resignation of a member.

50 (b) The absence of a member for any reason from:

51 (1) Two meetings of the Youth Legislature, including, without limitation,
52 meetings conducted in person, meetings conducted by teleconference, meetings
53 conducted by videoconference and meetings conducted by other electronic means;

(2) Two activities of the Youth Legislature;
(3) Two event days of the Youth Legislature; or
(4) Any combination of absences from meetings, activities or event days of the Youth Legislature, if the combination of absences therefrom equals two or more,
unless the absences are, as applicable, excused by the Chair or Vice Chair of the Board.

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. In addition to the provisions of subsection 1, a position on the Youth Legislature becomes vacant if:

(a) A member of the Youth Legislature graduates from high school or otherwise ceases to attend public school or private school for any reason other than to become a homeschooled child ~~or~~ *or opt-in child*; or

(b) A member of the Youth Legislature who is a homeschooled child *or opt-in child* completes an educational plan of instruction for grade 12 or otherwise ceases to be a homeschooled child *or opt-in child* for any reason other than to enroll in a public school or private school.

3. A vacancy on the Youth Legislature must be filled:

(a) For the remainder of the unexpired term in the same manner as the original appointment, except that, if the remainder of the unexpired term is less than 1 year, the member of the Senate who made the original appointment may appoint a person who:

(1) Is enrolled in a public school or private school in this State in grade 12 or who is a homeschooled child *or opt-in child* who is otherwise eligible to enroll in a public school in this State in grade 12; and

(2) Satisfies the qualifications set forth in paragraphs (a) and (c) of subsection 1 of NRS 385.525.

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

4. As used in this section, "event day" means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

Sec. 15.4. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive. The regulations must include provisions governing the eligibility and participation of homeschooled children *and opt-in children* in interscholastic activities and events. In addition to the regulations governing eligibility ~~and~~:

(a) A homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

(b) *An opt-in child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of an opt-in child to participate in programs and activities pursuant to section 16.5 of this act.*

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the

spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 15.5. NRS 386.462 is hereby amended to read as follows:

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

2. *An opt-in child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to section 16.5 of this act.*

3. The provisions of NRS 386.420 to 386.470, inclusive, and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children *and opt-in children* who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Fees for participation;

(c) Insurance;

(d) Transportation;

(e) Requirements of physical examination;

(f) Responsibilities of participants;

(g) Schedules of events;

(h) Safety and welfare of participants;

(i) Eligibility for awards, trophies and medals;

(j) Conduct of behavior and performance of participants; and

(k) Disciplinary procedures.

Sec. 15.6. NRS 386.463 is hereby amended to read as follows:

386.463 No challenge may be brought by the Nevada Interscholastic Activities Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming

1 that an interscholastic activity or event is invalid because homeschooled children *or*
2 *opt-in children* are allowed to participate in the interscholastic activity or event.

3 **Sec. 15.7.** NRS 386.464 is hereby amended to read as follows:

4 386.464 A school district, public school or private school shall not prescribe
5 any regulations, rules, policies, procedures or requirements governing the:

6 1. Eligibility of homeschooled children *or opt-in children* to participate in
7 interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive;
8 or

9 2. Participation of homeschooled children *or opt-in children* in
10 interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive,
11 that are more restrictive than the provisions governing eligibility and
12 participation prescribed by the Nevada Interscholastic Activities Association
13 pursuant to NRS 386.430.

14 **Sec. 15.8.** NRS 386.580 is hereby amended to read as follows:

15 386.580 1. An application for enrollment in a charter school may be
16 submitted to the governing body of the charter school by the parent or legal
17 guardian of any child who resides in this State. Except as otherwise provided in this
18 subsection and subsection 2, a charter school shall enroll pupils who are eligible for
19 enrollment in the order in which the applications are received. If the board of
20 trustees of the school district in which the charter school is located has established
21 zones of attendance pursuant to NRS 388.040, the charter school shall, if
22 practicable, ensure that the racial composition of pupils enrolled in the charter
23 school does not differ by more than 10 percent from the racial composition of
24 pupils who attend public schools in the zone in which the charter school is located.
25 If a charter school is sponsored by the board of trustees of a school district located
26 in a county whose population is 100,000 or more, except for a program of distance
27 education provided by the charter school, the charter school shall enroll pupils who
28 are eligible for enrollment who reside in the school district in which the charter
29 school is located before enrolling pupils who reside outside the school district.
30 Except as otherwise provided in subsection 2, if more pupils who are eligible for
31 enrollment apply for enrollment in the charter school than the number of spaces
32 which are available, the charter school shall determine which applicants to enroll
33 pursuant to this subsection on the basis of a lottery system.

34 2. Before a charter school enrolls pupils who are eligible for enrollment, a
35 charter school may enroll a child who:

36 (a) Is a sibling of a pupil who is currently enrolled in the charter school;

37 (b) Was enrolled, free of charge and on the basis of a lottery system, in a
38 prekindergarten program at the charter school or any other early childhood
39 educational program affiliated with the charter school;

40 (c) Is a child of a person who is:

41 (1) Employed by the charter school;

42 (2) A member of the committee to form the charter school; or

43 (3) A member of the governing body of the charter school;

44 (d) Is in a particular category of at-risk pupils and the child meets the eligibility
45 for enrollment prescribed by the charter school for that particular category; or

46 (e) Resides within the school district and within 2 miles of the charter school if
47 the charter school is located in an area that the sponsor of the charter school
48 determines includes a high percentage of children who are at risk. If space is
49 available after the charter school enrolls pupils pursuant to this paragraph, the
50 charter school may enroll children who reside outside the school district but within
51 2 miles of the charter school if the charter school is located within an area that the
52 sponsor determines includes a high percentage of children who are at risk.

1 ➤ If more pupils described in this subsection who are eligible apply for enrollment
2 than the number of spaces available, the charter school shall determine which
3 applicants to enroll pursuant to this subsection on the basis of a lottery system.

4 3. Except as otherwise provided in subsection 8, a charter school shall not
5 accept applications for enrollment in the charter school or otherwise discriminate
6 based on the:

- 7 (a) Race;
- 8 (b) Gender;
- 9 (c) Religion;
- 10 (d) Ethnicity; or
- 11 (e) Disability,

12 ➤ of a pupil.

13 4. If the governing body of a charter school determines that the charter school
14 is unable to provide an appropriate special education program and related services
15 for a particular disability of a pupil who is enrolled in a public school of a school
16 governing body may request that the board of trustees of the school district of the
17 county in which the pupil resides transfer that pupil to an appropriate school.

18 5. Except as otherwise provided in this subsection, upon the request of a
19 parent or legal guardian of a child who is enrolled in a public school of a school
20 district or a private school, or a parent or legal guardian of a homeschooled child ~~††~~
21 *or opt-in child*, the governing body of the charter school shall authorize the child to
22 participate in a class that is not otherwise available to the child at his or her school ,
23 ~~†††~~ homeschool *or from his or her participating entity, as defined in section 5 of*
24 *this act*, or participate in an extracurricular activity at the charter school if:

- 25 (a) Space for the child in the class or extracurricular activity is available;
- 26 (b) The parent or legal guardian demonstrates to the satisfaction of the
27 governing body that the child is qualified to participate in the class or
28 extracurricular activity; and
- 29 (c) The child is ~~††~~:

30 (1) *A homeschooled child and a notice of intent of a homeschooled child to*
31 *participate in programs and activities is filed for the child with the school district in*
32 *which the child resides for the current school year pursuant to NRS 392.705 ††; or*

33 (2) *An opt-in child and a notice of intent of an opt-in child to participate*
34 *in programs and activities is filed for the child with the school district in which*
35 *the child resides for the current school year pursuant to section 16.5 of this act.*

36 ➤ If the governing body of a charter school authorizes a child to participate in a
37 class or extracurricular activity pursuant to this subsection, the governing body is
38 not required to provide transportation for the child to attend the class or activity. A
39 charter school shall not authorize such a child to participate in a class or activity
40 through a program of distance education provided by the charter school pursuant to
41 NRS 388.820 to 388.874, inclusive.

42 6. The governing body of a charter school may revoke its approval for a child
43 to participate in a class or extracurricular activity at a charter school pursuant to
44 subsection 5 if the governing body determines that the child has failed to comply
45 with applicable statutes, or applicable rules and regulations. If the governing body
46 so revokes its approval, neither the governing body nor the charter school is liable
47 for any damages relating to the denial of services to the child.

48 7. The governing body of a charter school may, before authorizing a
49 homeschooled child *or opt-in child* to participate in a class or extracurricular
50 activity pursuant to subsection 5, require proof of the identity of the child,
51 including, without limitation, the birth certificate of the child or other
52 documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➤ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 15.9. NRS 387.045 is hereby amended to read as follows:

387.045 *Except as otherwise provided in sections 2 to 15, inclusive, of this act:*

1. No portion of the public school funds or of the money specially appropriated for the purpose of public schools shall be devoted to any other object or purpose.

2. No portion of the public school funds shall in any way be segregated, divided or set apart for the use or benefit of any sectarian or secular society or association.

Sec. 15.95. 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 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 and the count of pupils who 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 *or receiving a portion of his or her instruction from a participating entity, as defined in section 5 of this act*, 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).

(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 *or receiving a portion of his or her instruction from a participating entity, as defined in section 5 of this act*, on the last day of the first school month of the

1 school district for the school year, expressed as a percentage of the total time
2 services are provided to those pupils per school day in proportion to the total time
3 services are provided during a school day to pupils who are counted pursuant to
4 subparagraph (2).

5 (5) The count of pupils not included under subparagraph (1), (2), (3) or (4),
6 who are receiving special education pursuant to the provisions of NRS 388.440 to
7 388.520, inclusive, on the last day of the first school month of the school district for
8 the school year, excluding the count of pupils who have not attained the age of 5
9 years and who are receiving special education pursuant to subsection 1 of NRS
10 388.475 on that day.

11 (6) Six-tenths the count of pupils who have not attained the age of 5 years
12 and who are receiving special education pursuant to subsection 1 of NRS 388.475
13 on the last day of the first school month of the school district for the school year.

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

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

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

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

27 2. Except as otherwise provided in subsection 4, if the enrollment of pupils in
28 a school district or a charter school that is located within the school district on the
29 last day of the first school month of the school district for the school year is less
30 than or equal to 95 percent of the enrollment of pupils in the same school district or
31 charter school on the last day of the first school month of the school district for the
32 immediately preceding school year, the largest number from among the
33 immediately preceding 2 school years must be used for purposes of apportioning
34 money from the State Distributive School Account to that school district or charter
35 school pursuant to NRS 387.124.

36 3. Except as otherwise provided in subsection 4, if the enrollment of pupils in
37 a school district or a charter school that is located within the school district on the
38 last day of the first school month of the school district for the school year is more
39 than 95 percent of the enrollment of pupils in the same school district or charter
40 school on the last day of the first school month of the school district for the
41 immediately preceding school year, the larger enrollment number from the current
42 year or the immediately preceding school year must be used for purposes of
43 apportioning money from the State Distributive School Account to that school
44 district or charter school pursuant to NRS 387.124.

45 4. If the Department determines that a school district or charter school
46 deliberately causes a decline in the enrollment of pupils in the school district or
47 charter school to receive a higher apportionment pursuant to subsection 2 or 3,
48 including, without limitation, by eliminating grades or moving into smaller
49 facilities, the enrollment number from the current school year must be used for
50 purposes of apportioning money from the State Distributive School Account to that
51 school district or charter school pursuant to NRS 387.124.

5. 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.

6. 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.

7. 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. 16. 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 approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school, ~~and~~ all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county ~~and~~ *and all the funds deposited in education savings accounts established on behalf of children who reside in the county pursuant to sections 2 to 15, inclusive, of this act.* No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, an apportionment must be made to a

1 school district or charter school that provides a program of distance education for
2 each pupil who is enrolled part-time in the program. The amount of the
3 apportionment must be equal to the percentage of the total time services are
4 provided to the pupil through the program of distance education per school day in
5 proportion to the total time services are provided during a school day to pupils who
6 are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS
7 387.1233 for the school district in which the pupil resides.

8 5. The governing body of a charter school may submit a written request to the
9 Superintendent of Public Instruction to receive, in the first year of operation of the
10 charter school, an apportionment 30 days before the apportionment is required to be
11 made pursuant to subsection 1. Upon receipt of such a request, the Superintendent
12 of Public Instruction may make the apportionment 30 days before the
13 apportionment is required to be made. A charter school may receive all four
14 apportionments in advance in its first year of operation.

15 6. Except as otherwise provided in NRS 387.1244, the apportionment to a
16 university school for profoundly gifted pupils, computed on a yearly basis, is equal
17 to the sum of the basic support per pupil in the county in which the university
18 school is located plus the amount of local funds available per pupil pursuant to NRS
19 387.1235 and all other funds available for public schools in the county in which the
20 university school is located. If the apportionment per pupil to a university school
21 for profoundly gifted pupils is more than the amount to be apportioned to the school
22 district in which the university school is located, the school district shall pay the
23 difference directly to the university school. The governing body of a university
24 school for profoundly gifted pupils may submit a written request to the
25 Superintendent of Public Instruction to receive, in the first year of operation of the
26 university school, an apportionment 30 days before the apportionment is required to
27 be made pursuant to subsection 1. Upon receipt of such a request, the
28 Superintendent of Public Instruction may make the apportionment 30 days before
29 the apportionment is required to be made. A university school for profoundly gifted
30 pupils may receive all four apportionments in advance in its first year of operation.

31 7. The Superintendent of Public Instruction shall apportion, on or before
32 August 1 of each year, the money designated as the "Nutrition State Match"
33 pursuant to NRS 387.105 to those school districts that participate in the National
34 School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school
35 district must be directly related to the district's reimbursements for the Program as
36 compared with the total amount of reimbursements for all school districts in this
37 State that participate in the Program.

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

45 **Sec. 16.2.** NRS 388.850 is hereby amended to read as follows:

46 388.850 1. A pupil may enroll in a program of distance education unless:

47 (a) Pursuant to this section or other specific statute, the pupil is not eligible for
48 enrollment or the pupil's enrollment is otherwise prohibited;

49 (b) The pupil fails to satisfy the qualifications and conditions for enrollment
50 adopted by the State Board pursuant to NRS 388.874; or

51 (c) The pupil fails to satisfy the requirements of the program of distance
52 education.

2. A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. *An opt-in child who is exempt from compulsory attendance is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1, unless the opt-in child receives only a portion of his or her instruction from a participating entity as authorized pursuant to section 7 of this act.*

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

Sec. 16.3. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 16.35, 16.4 and 16.5 of this act.

Sec. 16.35. *As used in this section and sections 16.4 and 16.5 of this act, unless the context otherwise requires, "parent" has the meaning ascribed to it in section 4 of this act.*

Sec. 16.4. 1. *The parent of an opt-in child shall provide notice to the school district where the child would otherwise attend or the charter school in which the child was previously enrolled, as applicable, that the child is an opt-in child as soon as practicable after entering into an agreement to establish an education savings account pursuant to section 7 of this act. Such notice must also include:*

(a) *The full name, age and gender of the child; and*

(b) *The name and address of each parent of the child.*

2. *The superintendent of schools of a school district or the governing body of a charter school, as applicable, shall accept a notice provided pursuant to subsection 1 and shall not require any additional assurances from the parent who filed the notice.*

3. *The school district or the charter school, as applicable, shall provide to a parent who files a notice pursuant to subsection 1, a written acknowledgement which clearly indicates that the parent has provided the notification required by law and that the child is an opt-in child. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law.*

4. *The superintendent of schools of a school district or the governing body of a charter school, as applicable, shall process a written request for a copy of the records of the school district ~~or~~ or charter school, as applicable, or any information contained therein, relating to an opt-in child not later than 5 days after receiving the request. The superintendent of schools or governing body of a charter school may only release such records or information:*

(a) *To the Department, the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau for use in preparing the biennial budget;*

(b) *To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or*

~~(b)~~ (c) *If required by specific statute.*

5. *If an opt-in child seeks admittance or entrance to any public school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the resident school district of the child's enrollment in the charter*

1 *school. Regardless of whether the charter school provides such notification to the*
2 *board of trustees, the charter school may count the child who is enrolled for the*
3 *purposes of the calculation of basic support pursuant to NRS 387.1233. An opt-in*
4 *child seeking admittance to public high school must comply with NRS 392.033.*

5 6. *A school shall not discriminate in any manner against an opt-in child or*
6 *a child who was formerly an opt-in child.*

7 7. *Each school district shall allow an opt-in child to participate in all*
8 *college entrance examinations offered in this State, including, without limitation,*
9 *the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship*
10 *Qualifying Test. Each school district shall upon request, provide information to*
11 *the parent of an opt-in child who resides in the school district has adequate notice*
12 *of the availability of information concerning such examinations on the Internet*
13 *website of the school district maintained pursuant to NRS 389.004.*

14 **Sec. 16.5.** 1. *The Department shall develop a standard form for the notice*
15 *of intent of an opt-in child to participate in programs and activities. The board of*
16 *trustees of each school district shall, in a timely manner, make only the form*
17 *developed by the Department available to parents of opt-in children.*

18 2. *If an opt-in child wishes to participate in classes, activities, programs,*
19 *sports or interscholastic activities and events at a public school or through a*
20 *school district, or through the Nevada Interscholastic Activities Association, the*
21 *parent of the child must file a current notice of intent to participate with the*
22 *resident school district.*

23 **Sec. 16.6.** NRS 392.033 is hereby amended to read as follows:

24 392.033 1. The State Board shall adopt regulations which prescribe the
25 courses of study required for promotion to high school, including, without
26 limitation, English, mathematics, science and social studies. The regulations may
27 include the credits to be earned in each course.

28 2. Except as otherwise provided in subsection 4, the board of trustees of a
29 school district shall not promote a pupil to high school if the pupil does not
30 complete the course of study or credits required for promotion. The board of
31 trustees of the school district in which the pupil is enrolled may provide programs
32 of remedial study to complete the courses of study required for promotion to high
33 school.

34 3. The board of trustees of each school district shall adopt a procedure for
35 evaluating the course of study or credits completed by a pupil who transfers to a
36 junior high or middle school from a junior high or middle school in this State or
37 from a school outside of this State.

38 4. The board of trustees of each school district shall adopt a policy that allows
39 a pupil who has not completed the courses of study or credits required for
40 promotion to high school to be placed on academic probation and to enroll in high
41 school. A pupil who is on academic probation pursuant to this subsection shall
42 complete appropriate remediation in the subject areas that the pupil failed to pass.
43 The policy must include the criteria for eligibility of a pupil to be placed on
44 academic probation. A parent or guardian may elect not to place his or her child on
45 academic probation but to remain in grade 8.

46 5. A homeschooled child *or opt-in child* who enrolls in a public high school
47 shall, upon initial enrollment:

48 (a) Provide documentation sufficient to prove that the child has successfully
49 completed the courses of study required for promotion to high school through an
50 accredited program of homeschool study recognized by the board of trustees of the
51 school district *or from a participating entity, as applicable;*

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

6. As used in this section, "participating entity" has the meaning ascribed to it in section 5 of this act.

Sec. 16.7. 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;

~~for~~ (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 ~~H~~; or

(c) The child is an opt-in child and notice of such has been provided to the school district in which the child resides or the charter school in which the child was previously enrolled, as applicable, in accordance with section 16.4 of this act.

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 ~~H~~ or opt-in 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 ~~H~~:

(1) 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 ~~H~~; or

(2) An opt-in child, a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to section 16.5 of this act.

1 ↪ If the board of trustees of a school district authorizes a child to participate in a
2 class or extracurricular activity, excluding sports, pursuant to this subsection, the
3 board of trustees is not required to provide transportation for the child to attend the
4 class or activity. A homeschooled child *or opt-in child* must be allowed to
5 participate in interscholastic activities and events governed by the Nevada
6 Interscholastic Activities Association pursuant to NRS 386.420 to 386.470,
7 inclusive, and interscholastic activities and events, including sports, pursuant to
8 subsection 5.

9 4. The board of trustees of a school district may revoke its approval for a
10 pupil to participate in a class or extracurricular activity at a public school pursuant
11 to subsection 3 if the board of trustees or the public school determines that the pupil
12 has failed to comply with applicable statutes, or applicable rules and regulations of
13 the board of trustees. If the board of trustees revokes its approval, neither the board
14 of trustees nor the public school is liable for any damages relating to the denial of
15 services to the pupil.

16 5. In addition to those interscholastic activities and events governed by the
17 Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470,
18 inclusive, a homeschooled child *or opt-in child* must be allowed to participate in
19 interscholastic activities and events, including sports, if a notice of intent of a
20 homeschooled child *or opt-in child* to participate in programs and activities is filed
21 for the child with the school district for the current school year pursuant to NRS
22 392.705 ~~or section 16.5 of this act, as applicable~~. A homeschooled child *or opt-*
23 *in child* who participates in interscholastic activities and events at a public school
24 pursuant to this subsection must participate within the school district of the child's
25 residence through the public school which the child is otherwise zoned to attend.
26 Any rules or regulations that apply to pupils enrolled in public schools who
27 participate in interscholastic activities and events, including sports, apply in the
28 same manner to homeschooled children *and opt-in children* who participate in
29 interscholastic activities and events, including, without limitation, provisions
30 governing:

- 31 (a) Eligibility and qualifications for participation;
- 32 (b) Fees for participation;
- 33 (c) Insurance;
- 34 (d) Transportation;
- 35 (e) Requirements of physical examination;
- 36 (f) Responsibilities of participants;
- 37 (g) Schedules of events;
- 38 (h) Safety and welfare of participants;
- 39 (i) Eligibility for awards, trophies and medals;
- 40 (j) Conduct of behavior and performance of participants; and
- 41 (k) Disciplinary procedures.

42 6. If a homeschooled child *or opt-in child* participates in interscholastic
43 activities and events pursuant to subsection 5:

44 (a) No challenge may be brought by the Association, a school district, a public
45 school or a private school, a parent or guardian of a pupil enrolled in a public
46 school or a private school, a pupil enrolled in a public school or a private school, or
47 any other entity or person claiming that an interscholastic activity or event is
48 invalid because the homeschooled child *or opt-in child* is allowed to participate.

49 (b) Neither the school district nor a public school may prescribe any
50 regulations, rules, policies, procedures or requirements governing the eligibility or
51 participation of the homeschooled child *or opt-in child* that are more restrictive
52 than the provisions governing the eligibility and participation of pupils enrolled in
53 public schools.

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

8. The board of trustees of a school district:

(a) May, before providing programs of special education and related services to a homeschooled child *or opt-in child* pursuant to subsection 2, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

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

(c) Shall, before allowing a homeschooled child *or opt-in child* 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 pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

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

10. As used in this section ~~the "related"~~:

(a) *"Participating entity" has the meaning ascribed to it in section 5 of this act.*

(b) *"Related services" has the meaning ascribed to it in 20 U.S.C. § 1401.*

Sec. 16.8. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS, *become an opt-in child* or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS, *become an opt-in child* or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a

program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

➤ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of the pupil's suspension or expulsion, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS, *become an opt-in child* or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

8. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the

1 enrollment of pupils with disciplinary problems if the pupil is accepted for
2 enrollment by the charter school pursuant to NRS 386.580. Upon request, the
3 governing body of a charter school must be provided with access to the records of
4 the pupil relating to the pupil's suspension or expulsion in accordance with
5 applicable federal and state law before the governing body makes a decision
6 concerning the enrollment of the pupil.

7 **Sec. 17.** This act becomes effective on :

8 1. July 1, 2015, ~~for~~ for the purposes of adopting any regulations and
9 performing any other preparatory administrative tasks necessary to carry out
10 the provisions of this act; and

11 2. January 1, 2016, for all other purposes.