

EMERGENCY REQUEST OF SENATE MAJORITY LEADER

SENATE BILL NO. 551—SENATOR CANNIZZARO

MAY 27, 2019

Referred to Committee on Finance

SUMMARY—Revises provisions relating to state financial administration. (BDR 32-1286)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 state financial administration; eliminating certain duties of the Department of Taxation relating to the commerce tax and the payroll taxes imposed on certain businesses; continuing the existing legally operative rates of the payroll taxes imposed on certain businesses; revising provisions governing the credits against the payroll taxes imposed on certain businesses for taxpayers who donate money to a scholarship organization; eliminating the education savings accounts program; making appropriations for certain purposes relating to school safety and to provide supplemental support of the operation of the school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity whose Nevada gross revenue in a fiscal year exceeds \$4,000,000, with the rate of the commerce tax based on the industry in which the business entity is primarily engaged. (NRS 363C.200, 363C.300-363C.560) Existing law also imposes: (1) a payroll tax on financial institutions and on mining companies subject to the tax on the net proceeds of minerals, with the rate of the payroll tax set at 2 percent of the amount of the wages, as defined under existing law, paid by the financial institution or mining company during each calendar quarter in connection with its business activities; and (2) a payroll tax on other business entities, with the rate of the payroll tax set at 1.475 percent of the amount of the wages, as defined under existing law but excluding the first \$50,000 thereof, paid by the business entity during each calendar quarter in connection with its business activities. (NRS



363A.130, 363B.110, 612.190) However, a business entity that pays both the payroll tax and the commerce tax is entitled to a credit against the payroll tax of a certain amount of the commerce tax paid by the business entity. (NRS 363A.130, 363B.110)

Existing law further establishes a rate adjustment procedure that is used by the Department of Taxation to determine whether the rates of the payroll taxes should be reduced in future fiscal years under certain circumstances. Under the rate adjustment procedure, on or before September 30 of each even-numbered year, the Department must determine the combined revenue from the commerce tax and the payroll taxes for the preceding fiscal year. If that combined revenue exceeds a certain threshold amount, the Department must make additional calculations to determine future reduced rates for the payroll taxes. However, any future reduced rates for the payroll taxes do not go into effect and become legally operative until July 1 of the following odd-numbered year. (NRS 360.203) This rate adjustment procedure was enacted by the Legislature during the 2015 Legislative Session and became effective on July 1, 2015. (Sections 62 and 114 of chapter 487, Statutes of Nevada 2015, pp. 2896, 2955) Since July 1, 2015, no future reduced rates for the payroll taxes have gone into effect and become legally operative based on the rate adjustment procedure. As a result, the existing legally operative rates of the payroll taxes are still 2 percent and 1.475 percent, respectively. (NRS 363A.130, 363B.110)

Section 39 of this bill eliminates the rate adjustment procedure used by the Department of Taxation to determine whether the rates of the payroll taxes should be reduced in any fiscal year. **Section 37** of this bill maintains and continues the existing legally operative rates of the payroll taxes at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to the rate adjustment procedure for any fiscal year. **Section 37** also provides that the Department must not apply or use the rate adjustment procedure to determine any future reduced rates for the payroll taxes for any fiscal year. **Sections 2 and 3** of this bill make conforming changes.

Existing law establishes a credit against the payroll tax paid by certain businesses equal to an amount which is approved by the Department and which must not exceed the amount of any donation of money which is made by a taxpayer to a scholarship organization that provides grants on behalf of pupils who are members of a household with a household income which is not more than 300 percent of the federally designated level signifying poverty to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils (NRS 363A.130, 363B.110) Under existing law, the Department: (1) is required to approve or deny applications for the tax credit in the order in which the applications are received by the Department; and (2) is authorized to approve applications for each fiscal year until the amount of tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year. Assembly Bill No. 458 of this legislative session establishes that for Fiscal Years 2019-2020 and 2020-2021, the amount authorized is \$6,655,000 for each fiscal year. **Sections 2.5 and 3.5** of this bill authorize the Department to approve, in addition to the amount of credits authorized for Fiscal Years 2019-2020 and 2020-2021, an amount of tax credits equal to \$4,745,000 for each of those fiscal years. **Section 30.75** of this bill: (1) prohibits a scholarship organization from using a donation for which the donor received a tax credit to provide a grant on behalf of a pupil unless the scholarship organization used a donation for which the donor received a tax credit to provide a grant on behalf of the pupil for the immediately preceding scholarship year or reasonably expects to provide a grant of the same amount on behalf of the pupil for each school year until the pupil graduates from high school; and (2) requires a scholarship organization to repay the amount of any tax credit approved by the Department if the scholarship organization violates this provision.



Senate Bill No. 302 (S.B. 302) of the 78th Session of the Nevada Legislature established the education savings accounts program, pursuant to which grants of money are made to certain parents on behalf of their children to defray the cost of instruction outside the public school system. (Chapter 332, Statutes of Nevada 2015, p. 1824; NRS 353B.700-353B.930) Following a legal challenge of S.B. 302, the Nevada Supreme Court held in *Schwartz v. Lopez*, 132 Nev. 732 (2016), that the legislation was valid under Section 2 of Article 11 of the Nevada Constitution, which requires a uniform system of common schools, and under Section 10 of Article 11 of the Nevada Constitution, which prohibits the use of public money for a sectarian purpose. However, the Nevada Supreme Court found that the Legislature did not make an appropriation for the support of the education savings accounts program and held that the use of any money appropriated for K-12 public education for the education savings accounts program would violate Sections 2 and 6 of Article 11 of the Nevada Constitution. The Court enjoined enforcement of section 16 of S.B. 302, which amended NRS 387.124 to require that all money deposited in education savings accounts be subtracted from each school district's quarterly apportionments from the State Distributive School Account. Because the Court has enjoined this provision of law and the Legislature has not made an appropriation for the support of the education savings accounts program, the education savings accounts program is not operating. **Section 39.5** of this bill eliminates the education savings accounts program. **Sections 30.1-30.7 and 30.8-30.95** of this bill make conforming changes related to the elimination of the education savings accounts program.

Section 31 of this bill makes an appropriation for the costs of school safety facility improvements. **Section 36.5** of this bill makes an appropriation to provide supplemental support to the operations of the school districts of this State, distributed in amounts based on the 2018 enrollment of the school districts of this State.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. ~~Except as otherwise provided in NRS 360.203, there~~ **There** is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the



1 employer is required to pay a contribution pursuant to
2 NRS 612.535:

3 (a) File with the Department a return on a form prescribed by
4 the Department; and

5 (b) Remit to the Department any tax due pursuant to this section
6 for that calendar quarter.

7 4. In determining the amount of the tax due pursuant to this
8 section, an employer is entitled to subtract from the amount
9 calculated pursuant to subsection 1 a credit in an amount equal to 50
10 percent of the amount of the commerce tax paid by the employer
11 pursuant to chapter 363C of NRS for the preceding taxable year.
12 The credit may only be used for any of the 4 calendar quarters
13 immediately following the end of the taxable year for which the
14 commerce tax was paid. The amount of credit used for a calendar
15 quarter may not exceed the amount calculated pursuant to
16 subsection 1 for that calendar quarter. Any unused credit may not be
17 carried forward beyond the fourth calendar quarter immediately
18 following the end of the taxable year for which the commerce tax
19 was paid, and a taxpayer is not entitled to a refund of any unused
20 credit.

21 5. An employer who makes a donation of money to a
22 scholarship organization during the calendar quarter for which a
23 return is filed pursuant to this section is entitled, in accordance with
24 NRS 363A.139, to a credit equal to the amount authorized pursuant
25 to NRS 363A.139 against any tax otherwise due pursuant to this
26 section. As used in this subsection, "scholarship organization" has
27 the meaning ascribed to it in NRS 388D.260.

28 **Sec. 2.5.** NRS 363A.139 is hereby amended to read as
29 follows:

30 363A.139 1. Any taxpayer who is required to pay a tax
31 pursuant to NRS 363A.130 may receive a credit against the tax
32 otherwise due for any donation of money made by the taxpayer to a
33 scholarship organization in the manner provided by this section.

34 2. To receive the credit authorized by subsection 1, a taxpayer
35 who intends to make a donation of money to a scholarship
36 organization must, before making such a donation, notify the
37 scholarship organization of the taxpayer's intent to make the
38 donation and to seek the credit authorized by subsection 1. A
39 scholarship organization shall, before accepting any such donation,
40 apply to the Department of Taxation for approval of the credit
41 authorized by subsection 1 for the donation. The Department of
42 Taxation shall, within 20 days after receiving the application,
43 approve or deny the application and provide to the scholarship
44 organization notice of the decision and, if the application is
45 approved, the amount of the credit authorized. Upon receipt of



notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

(a) For Fiscal Year 2015-2016, \$5,000,000;

(b) For Fiscal Year 2016-2017, \$5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➔ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. ~~That~~ *Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection 4 for Fiscal ~~Year 2017-2018,~~ Years 2019-2020 and 2020-2021,* the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~that~~ *each of those* fiscal ~~year~~ *years* until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is ~~[\$20,000,000.]~~ *\$4,745,000.* The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~2017-2018,~~ *2019-2020 or 2020-2021,* the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than ~~[\$20,000,000.]~~ *\$4,745,000,* the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~[\$20,000,000.]~~ *\$9,490,000.* The



1 amount of any credit which is forfeited pursuant to subsection 2
2 must not be considered in calculating the amount of credits
3 authorized pursuant to this subsection.

4 6. If a taxpayer applies to and is approved by the Department
5 of Taxation for the credit authorized by subsection 1, the amount of
6 the credit provided by this section is equal to the amount approved
7 by the Department of Taxation pursuant to subsection 2, which must
8 not exceed the amount of the donation made by the taxpayer to a
9 scholarship organization. The total amount of the credit applied
10 against the taxes described in subsection 1 and otherwise due from a
11 taxpayer must not exceed the amount of the donation.

12 7. If the amount of the tax described in subsection 1 and
13 otherwise due from a taxpayer is less than the credit to which the
14 taxpayer is entitled pursuant to this section, the taxpayer may, after
15 applying the credit to the extent of the tax otherwise due, carry the
16 balance of the credit forward for not more than 5 years after the end
17 of the calendar year in which the donation is made or until the
18 balance of the credit is applied, whichever is earlier.

19 8. As used in this section, "scholarship organization" has the
20 meaning ascribed to it in NRS 388D.260.

21 **Sec. 3.** NRS 363B.110 is hereby amended to read as follows:

22 363B.110 1. ~~Except as otherwise provided in NRS 360.203,~~
23 ~~there~~ **There** is hereby imposed an excise tax on each employer at
24 the rate of 1.475 percent of the amount by which the sum of all the
25 wages, as defined in NRS 612.190, paid by the employer during a
26 calendar quarter with respect to employment in connection with the
27 business activities of the employer exceeds \$50,000.

28 2. The tax imposed by this section:

29 (a) Does not apply to any person or other entity or any wages
30 this State is prohibited from taxing under the Constitution, laws or
31 treaties of the United States or the Nevada Constitution.

32 (b) Must not be deducted, in whole or in part, from any wages of
33 persons in the employment of the employer.

34 3. Each employer shall, on or before the last day of the month
35 immediately following each calendar quarter for which the
36 employer is required to pay a contribution pursuant to
37 NRS 612.535:

38 (a) File with the Department a return on a form prescribed by
39 the Department; and

40 (b) Remit to the Department any tax due pursuant to this chapter
41 for that calendar quarter.

42 4. In determining the amount of the tax due pursuant to this
43 section, an employer is entitled to subtract from the amount
44 calculated pursuant to subsection 1 a credit in an amount equal to 50
45 percent of the amount of the commerce tax paid by the employer



pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 3.5. NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.



3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

(a) For Fiscal Year 2015-2016, \$5,000,000;

(b) For Fiscal Year 2016-2017, \$5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➤ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal ~~{Year 2017-2018,}~~ **Years 2019-2020 and 2020-2021,** the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~{that}~~ **each of those** fiscal ~~{year}~~ **years** until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is ~~{\$20,000,000.}~~ **\$4,745,000.** The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~{2017-2018,}~~ **2019-2020 or 2020-2021,** the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than ~~{\$20,000,000.}~~ **\$4,745,000,** the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~{\$20,000,000.}~~ **\$9,490,000.** The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied



1 against the taxes described in subsection 1 and otherwise due from a
2 taxpayer must not exceed the amount of the donation.

3 7. If the amount of the tax described in subsection 1 and
4 otherwise due from a taxpayer is less than the credit to which the
5 taxpayer is entitled pursuant to this section, the taxpayer may, after
6 applying the credit to the extent of the tax otherwise due, carry the
7 balance of the credit forward for not more than 5 years after the end
8 of the calendar year in which the donation is made or until the
9 balance of the credit is applied, whichever is earlier.

10 8. As used in this section, "scholarship organization" has the
11 meaning ascribed to it in NRS 388D.260.

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

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

14 **Sec. 6.** (Deleted by amendment.)

15 **Sec. 7.** (Deleted by amendment.)

16 **Sec. 8.** (Deleted by amendment.)

17 **Sec. 9.** (Deleted by amendment.)

18 **Sec. 10.** (Deleted by amendment.)

19 **Sec. 11.** (Deleted by amendment.)

20 **Sec. 12.** (Deleted by amendment.)

21 **Sec. 13.** (Deleted by amendment.)

22 **Sec. 14.** (Deleted by amendment.)

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

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

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

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

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

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

29 **Sec. 21.** (Deleted by amendment.)

30 **Sec. 22.** (Deleted by amendment.)

31 **Sec. 23.** (Deleted by amendment.)

32 **Sec. 24.** (Deleted by amendment.)

33 **Sec. 25.** (Deleted by amendment.)

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

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

36 **Sec. 28.** (Deleted by amendment.)

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

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

39 **Sec. 30.1.** NRS 219A.140 is hereby amended to read as
40 follows:

41 219A.140 1. To be eligible to serve on the Youth Legislature,
42 a person:

43 (a) Must be:

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



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

(3) A homeschooled child ~~{for opt in child}~~ who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him or her;

(b) Except as otherwise provided in subsection 3 of NRS 219A.150, must be:

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

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

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

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

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

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

Sec. 30.15. NRS 219A.150 is hereby amended to read as follows:

219A.150 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

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



(1) Two meetings of the Youth Legislature, including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings 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 ; ~~for opt-in child;~~ or

(b) A member of the Youth Legislature who is a homeschooled child ~~for opt-in child~~ completes an educational plan of instruction for grade 12 or otherwise ceases to be a homeschooled child ~~for 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 ~~for 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 219A.140.

(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. 30.2. NRS 385.007 is hereby amended to read as follows:
385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070 . ~~[-but does not include an opt-in child.]~~

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

~~6. ["Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.~~

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

~~8.]~~ 7. "School bus" has the meaning ascribed to it in NRS 484A.230.

~~9.]~~ 8. "State Board" means the State Board of Education.

~~10.]~~ 9. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 30.25. NRS 385B.060 is hereby amended to read as follows:

385B.060 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 this chapter. 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 ~~[-~~

~~(a) 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 388D.070.

~~[(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 NRS 388D.140.]~~

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. 30.3. NRS 385B.150 is hereby amended to read as follows:

385B.150 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 385B.060 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 388D.070.

~~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 385B.060 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 NRS 388D.140.~~

~~—3.1~~ The provisions of this chapter 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. 30.35. NRS 385B.160 is hereby amended to read as follows:

385B.160 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 that an interscholastic activity or event is invalid because homeschooled children ~~{or opt in children}~~ are allowed to participate in the interscholastic activity or event.

Sec. 30.4. NRS 385B.170 is hereby amended to read as follows:

385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children ~~{or opt in children}~~ to participate in interscholastic activities and events pursuant to this chapter; or

2. Participation of homeschooled children ~~{or opt in children}~~ in interscholastic activities and events pursuant to this chapter, ➤ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060.



Sec. 30.45. NRS 387.045 is hereby amended to read as follows:

387.045 ~~{Except as otherwise provided in NRS 353B.700 to 353B.930, inclusive:}~~

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. 30.5. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, 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) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) 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, ~~{for receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750,}~~ based on the average daily enrollment of those pupils during the quarter.

(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, ~~{for receiving a portion of his or her instruction from a participating entity, as defined in NRS~~



1 ~~353B.750,1~~ based on the average daily enrollment of those pupils
2 during the quarter.

3 (4) The count of pupils not included under subparagraph (1),
4 (2) or (3), who are receiving special education pursuant to the
5 provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to
6 388.5267, inclusive, based on the average daily enrollment of those
7 pupils during the quarter and excluding the count of pupils who
8 have not attained the age of 5 years and who are receiving special
9 education pursuant to NRS 388.435.

10 (5) Six-tenths the count of pupils who have not attained the
11 age of 5 years and who are receiving special education pursuant to
12 NRS 388.435, based on the average daily enrollment of those pupils
13 during the quarter.

14 (6) The count of children detained in facilities for the
15 detention of children, alternative programs and juvenile forestry
16 camps receiving instruction pursuant to the provisions of NRS
17 388.550, 388.560 and 388.570, based on the average daily
18 enrollment of those pupils during the quarter.

19 (7) The count of pupils who are enrolled in classes for at
20 least one semester pursuant to subsection 1 of NRS 388A.471,
21 subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or
22 subsection 1 of NRS 388B.280 or any regulations adopted pursuant
23 to NRS 388B.060 that authorize a child who is enrolled at a public
24 school of a school district or a private school or a homeschooled
25 child to participate in a class at an achievement charter school,
26 based on the average daily enrollment of pupils during the quarter
27 and expressed as a percentage of the total time services are provided
28 to those pupils per school day in proportion to the total time services
29 are provided during a school day to pupils who are counted pursuant
30 to subparagraph (1).

31 (b) Adding the amounts computed in paragraph (a).

32 3. Except as otherwise provided in subsection 4, if the
33 enrollment of pupils in a school district or a charter school that is
34 located within the school district based on the average daily
35 enrollment of pupils during the quarter of the school year is less
36 than or equal to 95 percent of the enrollment of pupils in the same
37 school district or charter school based on the average daily
38 enrollment of pupils during the same quarter of the immediately
39 preceding school year, the enrollment of pupils during the same
40 quarter of the immediately preceding school year must be used for
41 purposes of making the quarterly apportionments from the State
42 Distributive School Account to that school district or charter school
43 pursuant to NRS 387.124.

44 4. If the Department determines that a school district or charter
45 school deliberately causes a decline in the enrollment of pupils in



1 the school district or charter school to receive a higher
2 apportionment pursuant to subsection 3, including, without
3 limitation, by eliminating grades or moving into smaller facilities,
4 the enrollment number from the current school year must be used
5 for purposes of apportioning money from the State Distributive
6 School Account to that school district or charter school pursuant to
7 NRS 387.124.

8 5. The Department shall prescribe a process for reconciling the
9 quarterly reports submitted pursuant to subsection 1 to account for
10 pupils who leave the school district or a public school during the
11 school year.

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

15 7. Pupils who are incarcerated in a facility or institution
16 operated by the Department of Corrections must not be counted for
17 the purpose of computing basic support pursuant to this section. The
18 average daily attendance for such pupils must be reported to the
19 Department of Education.

20 8. Pupils who are enrolled in courses which are approved by
21 the Department as meeting the requirements for an adult to earn a
22 high school diploma must not be counted for the purpose of
23 computing basic support pursuant to this section.

24 **Sec. 30.55.** NRS 387.124 is hereby amended to read as
25 follows:

26 387.124 Except as otherwise provided in this section and NRS
27 387.1241, 387.1242 and 387.528:

28 1. On or before August 1, November 1, February 1 and May 1
29 of each year, the Superintendent of Public Instruction shall
30 apportion the State Distributive School Account in the State General
31 Fund among the several county school districts, charter schools and
32 university schools for profoundly gifted pupils in amounts
33 approximating one-fourth of their respective yearly apportionments
34 less any amount set aside as a reserve. Except as otherwise provided
35 in NRS 387.1244, the apportionment to a school district, computed
36 on a yearly basis, equals the difference between the basic support
37 and the local funds available pursuant to NRS 387.163, minus all
38 the funds attributable to pupils who reside in the county but attend a
39 charter school, all the funds attributable to pupils who reside in the
40 county and are enrolled full-time or part-time in a program of
41 distance education provided by another school district or a charter
42 school ~~H~~ and all the funds attributable to pupils who are enrolled in
43 a university school for profoundly gifted pupils located in the
44 county . ~~and all the funds deposited in education savings accounts
45 established on behalf of children who reside in the county pursuant~~



~~to NRS 353B.700 to 353B.930, inclusive.]~~ 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 NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:

(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

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

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

Sec. 30.6. NRS 388.850 is hereby amended to read as follows:

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

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

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

(c) The pupil fails to satisfy the requirements of the program of distance 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 NRS 353B.850.]~~

~~—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. 30.65. NRS 388A.471 is hereby amended to read as follows:

388A.471 1. Except as otherwise provided in subsection 2, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, ~~[for opt-in child,]~~ the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool ~~[or from his or her participating entity, as defined in NRS 353B.750,]~~ or participate in an extracurricular activity at the charter school 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 governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is ~~is~~:

~~—(1) A] a~~ homeschooled child and 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 388D.070. ~~[; or~~

~~—(2) An opt-in child and 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 NRS 388D.140.]~~

2. If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to subsection 1, the governing body is not required to provide transportation for the child to attend the class or activity. A charter



1 school shall not authorize such a child to participate in a class or
2 activity through a program of distance education provided by the
3 charter school pursuant to NRS 388.820 to 388.874, inclusive.

4 3. The governing body of a charter school may revoke its
5 approval for a child to participate in a class or extracurricular
6 activity at a charter school pursuant to subsection 1 if the governing
7 body determines that the child has failed to comply with applicable
8 statutes, or applicable rules and regulations. If the governing body
9 so revokes its approval, neither the governing body nor the charter
10 school is liable for any damages relating to the denial of services to
11 the child.

12 4. The governing body of a charter school may, before
13 authorizing a homeschooled child ~~for opt in child~~ to participate in a
14 class or extracurricular activity pursuant to subsection 1, require
15 proof of the identity of the child, including, without limitation, the
16 birth certificate of the child or other documentation sufficient to
17 establish the identity of the child.

18 **Sec. 30.7.** NRS 388B.290 is hereby amended to read as
19 follows:

20 388B.290 1. During the sixth year that a school operates as
21 an achievement charter school, the Department shall evaluate the
22 pupil achievement and school performance of the school. The
23 Executive Director shall provide the Department with such
24 information and assistance as the Department determines necessary
25 to perform such an evaluation. If, as a result of such an evaluation,
26 the Department determines:

27 (a) That the achievement charter school has made adequate
28 improvement in pupil achievement and school performance, the
29 governing body of the achievement charter school must decide
30 whether to:

31 (1) Convert to a public school under the governance of the
32 board of trustees of the school district in which the school is located;

33 (2) Seek to continue as a charter school subject to the
34 provisions of chapter 388A of NRS by applying to the board of
35 trustees of the school district in which the school is located, the
36 State Public Charter School Authority or a college or university
37 within the Nevada System of Higher Education to sponsor the
38 charter school pursuant to NRS 388A.220; or

39 (3) Remain an achievement charter school for at least 6 more
40 years.

41 (b) That the achievement charter school has not made adequate
42 improvement in pupil achievement and school performance, the
43 Department shall direct the Executive Director to notify the parent
44 or legal guardian of each pupil enrolled in the achievement charter
45 school that the achievement charter school has not made adequate



improvement in pupil achievement and school performance. Such notice must include, without limitation, information regarding:

(1) Public schools which the pupil may be eligible to attend, including, without limitation, charter schools, programs of distance education offered pursuant to NRS 388.820 to 388.874, inclusive, and alternative programs for the education of pupils at risk of dropping out of school pursuant to NRS 388.537;

~~(2) [The opportunity for the parent to establish an education savings account pursuant to NRS 353B.850 and enroll the pupil in a private school, have the pupil become an opt-in child or provide for the education of the pupil in any other manner authorized by NRS 353B.900;~~

~~—(3)]~~ Any other alternatives for the education of the pupil that are available in this State; and

~~[(4)]~~ (3) The actions that may be considered by the Department with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the Department must decide whether to:

(a) Convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located; or

(b) Continue to operate the school as an achievement charter school for at least 6 more years.

3. If the Department decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the Executive Director must:

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of NRS 388B.210;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a new governing body of the achievement charter school in the manner provided pursuant to NRS 388B.220, and must not reappoint more than 40 percent of the members of the previous governing body; and

(d) Evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.



4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

5. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of chapter 388A of NRS and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 388A.378.

6. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 30.75. NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed \$7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.



(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

6. A scholarship organization shall not use a donation for which a taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of a pupil unless the scholarship organization used a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of the pupil for the immediately preceding school year or reasonably expects to be able to provide a grant pursuant to this section on behalf of the pupil in at least the same amount for each school year until the pupil graduates from high school. A scholarship organization that violates this subsection shall repay to the Department of Taxation the amount of the tax credit



received by the taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable.

7. The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

~~7.1~~ 8. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 30.8. NRS 392.033 is hereby amended to read as follows:

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

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

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

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

5. A homeschooled child ~~for opt-in child~~ who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district . ~~for 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 NRS 353B.750.}~~

Sec. 30.85. NRS 392.070 is hereby amended to read as follows:

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

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; **or**

2. 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 388D.020. ~~{; or~~

~~—3. 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 NRS 388D.110.}~~

Sec. 30.9. NRS 392.072 is hereby amended to read as follows:

392.072 1. 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 388.417 to 388.469, inclusive, or NRS 388.5251 to 388.5267, 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.

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

3. The board of trustees of a school district may, before providing programs of special education and related services to a homeschooled child ~~{for opt-in child}~~ pursuant to subsection 1,



1 require proof of the identity of the child, including, without
2 limitation, the birth certificate of the child or other documentation
3 sufficient to establish the identity of the child.

4 4. The Department shall adopt such regulations as are
5 necessary for the boards of trustees of school districts to provide the
6 programs of special education and related services required by
7 subsection 1.

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

10 **Sec. 30.93.** NRS 392.074 is hereby amended to read as
11 follows:

12 392.074 1. Except as otherwise provided in subsection 1 of
13 NRS 392.072 for programs of special education and related services,
14 upon the request of a parent or legal guardian of a child who is
15 enrolled in a private school or a parent or legal guardian of a
16 homeschooled child, ~~for opt-in child,~~ the board of trustees of the
17 school district in which the child resides shall authorize the child to
18 participate in any classes and extracurricular activities, excluding
19 sports, at a public school within the school district if:

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

22 (b) The parent or legal guardian demonstrates to the satisfaction
23 of the board of trustees that the child is qualified to participate in the
24 class or extracurricular activity; and

25 (c) If the child is ~~is~~
26 ~~— (1) A~~ **a** homeschooled child, a notice of intent of a
27 homeschooled child to participate in programs and activities is filed
28 for the child with the school district for the current school year
29 pursuant to NRS 388D.070. ~~is or~~

30 ~~— (2) An opt-in child, a notice of intent of an opt-in child to~~
31 ~~participate in programs and activities is filed for the child with the~~
32 ~~school district for the current school year pursuant to NRS~~
33 ~~388D.140.]~~

34 ➡ If the board of trustees of a school district authorizes a child to
35 participate in a class or extracurricular activity, excluding sports,
36 pursuant to this subsection, the board of trustees is not required to
37 provide transportation for the child to attend the class or activity. A
38 homeschooled child ~~for opt-in child~~ must be allowed to participate
39 in interscholastic activities and events governed by the Nevada
40 Interscholastic Activities Association pursuant to chapter 385B of
41 NRS and interscholastic activities and events, including sports,
42 pursuant to subsection 3.

43 2. The board of trustees of a school district may revoke its
44 approval for a pupil to participate in a class or extracurricular
45 activity at a public school pursuant to subsection 1 if the board of



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

3. In addition to those interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, a homeschooled child ~~for opt-in child~~ must be allowed to participate in interscholastic activities and events, including sports, if a notice of intent of a homeschooled child ~~for 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 NRS 388D.070 . ~~for 388D.140, as applicable.~~ A homeschooled child ~~for opt-in child~~ who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including sports, 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.

4. If a homeschooled child ~~for opt-in child~~ participates in interscholastic activities and events pursuant to subsection 3:

(a) No challenge may be brought by the 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 a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child ~~for opt-in child~~ is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child



~~for opt in child~~ that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

5. The board of trustees of a school district:

(a) May, before authorizing a homeschooled child ~~for opt in child~~ to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, 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) Shall, before allowing a homeschooled child ~~for opt in child~~ to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS and interscholastic activities and events 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.

Sec. 30.95. 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 ~~to 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 ~~to 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.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

4. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~to 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.

5. 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 suspension or expulsion requirement, as applicable, of subsection 1, 2 or 3 if such modification is set forth in writing.

6. 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.

7. 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.

8. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives



1 early intervening services, may, in accordance with the procedural
2 policy adopted by the board of trustees of the school district for such
3 matters, be:

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

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

14 9. As used in this section:

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

17 (b) "Dangerous weapon" includes, without limitation, a
18 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
19 or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a
20 butterfly knife or any other knife described in NRS 202.350, a
21 switchblade knife as defined in NRS 202.265, or any other object
22 which is used, or threatened to be used, in such a manner and under
23 such circumstances as to pose a threat of, or cause, bodily injury to a
24 person.

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

29 10. The provisions of this section do not prohibit a pupil who is
30 suspended or expelled from enrolling in a charter school that is
31 designed exclusively for the enrollment of pupils with disciplinary
32 problems if the pupil is accepted for enrollment by the charter
33 school pursuant to NRS 388A.453 or 388A.456. Upon request, the
34 governing body of a charter school must be provided with access to
35 the records of the pupil relating to the pupil's suspension or
36 expulsion in accordance with applicable federal and state law before
37 the governing body makes a decision concerning the enrollment of
38 the pupil.

39 **Sec. 31.** 1. There is hereby appropriated from the State
40 General Fund to the School Safety Account the following sums:

41 For the Fiscal Year 2019-2020..... \$8,340,845

42 For the Fiscal Year 2020-2021..... \$8,404,930

43 2. The Department of Education shall transfer from the
44 appropriation made by subsection 1 to provide grants utilizing a
45 competitive grant process based on demonstrated need, within the



limits of legislative appropriation, to school districts and to charter schools for school safety facility improvements.

3. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2019-2020 must be added to the money appropriated for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 36.5. 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:

For the Fiscal Year 2019-2020..... \$35,081,155

For the Fiscal Year 2020-2021..... \$36,848,070

2. The Department of Education shall transfer the sums of money identified in this subsection from the Account for Programs for Innovation and the Prevention of Remediation to school districts for block grants for the purpose of providing supplemental support to the operation of the school districts. The amount to be transferred for the fiscal year shown is:

	2019-2020	2020-2021
Carson City School District	\$631,574	\$663,384
Churchill County School District	255,461	268,328
Clark County School District	25,892,878	27,197,012
Douglas County School District	458,566	481,662
Elko County School District	772,986	811,919
Esmeralda County School District	5,551	5,831
Eureka County School District	21,379	22,456
Humboldt County School District	273,189	286,949
Lander County School District	78,860	82,832
Lincoln County School District	76,533	80,388
Lyon County School District	681,887	716,231
Mineral County School District	42,868	45,027
Nye County School District	410,922	431,619
Pershing County School District	53,244	55,925
Storey County School District	34,229	35,953



	2019-2020	2020-2021
Washoe County School District	5,294,592	5,561,262
White Pine County School District	96,435	101,292

3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must be used for the purpose identified in subsection 2 and does not revert to the State General Fund.

Sec. 37. 1. The Legislature hereby finds and declares that the purpose and intent of this act is to maintain and continue the existing legally operative rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110, at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to NRS 360.203, as that section existed before the effective date of this act, for any fiscal year beginning on or after July 1, 2015.

2. Notwithstanding any other provisions of law, in order to accomplish and carry out the purpose and intent of this act:

(a) Any determinations or decisions made or actions taken before the effective date of this section by the Department of Taxation pursuant to NRS 360.203, as that section existed before the effective date of this section:

(1) Are superseded, abrogated and nullified by the provisions of this act; and

(2) Have no legal force and effect; and

(b) The Department shall not, under any circumstances, apply or use those determinations, decisions or actions as a basis, cause or reason to reduce the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 for any fiscal year beginning on or after July 1, 2015.

Sec. 38. (Deleted by amendment.)

Sec. 39. NRS 360.203 is hereby repealed.

Sec. 39.5. NRS 219A.050, 353B.700, 353B.710, 353B.720, 353B.730, 353B.740, 353B.750, 353B.760, 353B.770, 353B.820, 353B.850, 353B.860, 353B.870, 353B.880, 353B.900, 353B.910, 353B.920, 353B.930, 388D.100, 388D.110, 388D.120, 388D.130 and 388D.140 are hereby repealed.

Sec. 40. 1. This section and sections 2, 3, 37 and 39 of this act become effective upon passage and approval.

2. Sections 2.5, 3.5, 30.1 to 31, inclusive, 36.5 and 39.5 of this act become effective on July 1, 2019.



LEADLINES OF REPEALED SECTIONS

- 219A.050 "Opt-in child" defined.
- 353B.700 Definitions.
- 353B.710 "Education savings account" defined.
- 353B.720 "Eligible institution" defined.
- 353B.730 "Opt-in child" defined.
- 353B.740 "Parent" defined.
- 353B.750 "Participating entity" defined.
- 353B.760 "Program of distance education" defined.
- 353B.770 "Resident school district" defined.
- 353B.820 Regulations.
- 353B.850 Establishment of account; requirements; termination and renewal of agreement to establish account; prohibition against establishing account for child attending school outside this State or homeschooled child.
- 353B.860 Grant of money required to be deposited in account; amount of grant; deduction of administrative costs; money remaining in account carries forward if written agreement renewed.
- 353B.870 Limitations on use of money deposited in account; refunds and rebates.
- 353B.880 Management of account; annual audits; State Treasurer authorized to take action upon determination of substantial misuse of money in account.
- 353B.900 Participating entity: Application; criteria; requirements; authority of State Treasurer to terminate status as participating entity.
- 353B.910 Participating entity required to ensure children take certain examinations; aggregation of examination results; annual survey.
- 353B.920 Annual list of participating entities; resident school district required to provide educational records to participating entity.
- 353B.930 Autonomy of participating entity not limited; actions of participating entity not actions of State Government.
- 360.203 Reduction of rate of certain taxes on business under certain circumstances; duties of Department.
- 388D.100 "Parent" defined.
- 388D.110 Notice that child is opt-in child; acknowledgment of notification.



- 388D.120 Release of child's records.**
388D.130 Admittance or entrance to public school; participation in examinations.
388D.140 Notice of intent to participate in programs and activities.

