

SENATE BILL NO. 81—SENATOR CEGAUSKE

PREFILED DECEMBER 15, 2008

Referred to Committee on Finance

SUMMARY—Establishes the Special Needs Scholarship Program. (BDR 34-15)

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

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

AN ACT relating to education; establishing the Special Needs Scholarship Program; authorizing the parents and legal guardians of certain pupils with disabilities to apply for participation in the Scholarship Program; revising provisions governing the apportionment of money from the State Distributive School Account to provide for the payment of money for the education of pupils who participate in the Scholarship Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Sections 2-18 of this bill revise the system of public education in this State by
2 establishing the Special Needs Scholarship Program for certain pupils with
3 disabilities, to be administered by the Department of Education. (Title 34 of NRS)
4 Sections 8 and 9 prescribe the process for a public school or licensed private
5 school to submit an application to the Department to become certified as an eligible
6 school under the Scholarship Program. Section 12 authorizes the parent or legal
7 guardian of a pupil with a disability who has an individualized education program
8 to apply to participate in the Scholarship Program and enroll the pupil in an eligible
9 school. Section 16 provides that a pupil who participates in the Scholarship
10 Program and is enrolled in an eligible school must be included in the count of
11 pupils in the school district in which the child attends school for purposes of
12 apportionments and allowances from the State Distributive School Account. The
13 remaining sections of this bill make changes to the existing provisions of NRS
14 governing education to include the Scholarship Program and to indicate that the
15 money available for education is for the support of the system of public education.



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

1 **Section 1.** Title 34 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 18, inclusive, of this act.

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

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

10 **Sec. 4.** *“Individualized education program” has the meaning*
11 *ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

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

14 **Sec. 6.** *“Scholarship Program” means the Special Needs*
15 *Scholarship Program established by section 7 of this act.*

16 **Sec. 7. 1.** *There is hereby established the Special Needs*
17 *Scholarship Program, to be administered by the Department.*

18 **2.** *The State Board shall adopt regulations:*

19 **(a)** *Prescribing the process for the submission of an*
20 *application by a public school or private school to become certified*
21 *as an eligible school and the contents of the application,*
22 *including, without limitation, the type of proof of financial*
23 *viability required of a private school;*

24 **(b)** *Prescribing the process for the submission of an*
25 *application by a parent or legal guardian of a child to participate*
26 *in the Scholarship Program;*

27 **(c)** *Prescribing the method for determining the proportionate*
28 *cost of providing a special education to a child, based on the*
29 *individualized education program of the child, who participates in*
30 *the Scholarship Program for purposes of determining the amount*
31 *of the scholarship for that child; and*

32 **(d)** *As are necessary to carry out the provisions of this chapter.*

33 **3.** *The Department shall:*

34 **(a)** *Provide information to the general public concerning the*
35 *Scholarship Program.*

36 **(b)** *Maintain a list available for public inspection that*
37 *identifies eligible schools.*

38 **Sec. 8. 1.** *A private school may submit to the Department*
39 *an application to become certified as an eligible school. The*
40 *application must include:*

41 **(a)** *Proof that the private school is licensed pursuant to*
42 *chapter 394 of NRS;*



1 (b) Proof that the private school is financially viable, as
2 determined by the Department in accordance with the regulations
3 adopted by the State Board pursuant to section 7 of this act;

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

6 (d) The number of children from the Scholarship Program
7 that the private school is able to accommodate.

8 2. A public school may submit to the Department an
9 application to become certified as an eligible school. The
10 application must include:

11 (a) A written statement that the public school will not accept
12 children from the Scholarship Program who reside in the school
13 district in which the public school is located; and

14 (b) The number of children from the Scholarship Program
15 that the public school is able to accommodate.

16 **Sec. 9. 1.** Upon receipt of an application pursuant to
17 section 8 of this act, the Department shall approve the application
18 if it is complete and if it complies with this chapter and the
19 regulations applicable to eligible schools. The Department shall
20 provide written notice to the applicant of its approval or denial of
21 the application. If an application is denied, the written notice must
22 indicate the reason for the denial.

23 2. If an application is approved, the Department and the
24 public school or private school shall enter into a written
25 agreement which certifies that the public school or private school
26 is an eligible school.

27 3. The Department shall not interfere with the operation or
28 management of a private school that is certified as an eligible
29 school except as authorized by this chapter and chapter 394 of
30 NRS.

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

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

35 (b) The eligible school requests that the Department revoke the
36 certification.

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

39 (a) Private school fails to comply with the provisions of this
40 chapter or the regulations adopted by the State Board pursuant to
41 section 7 of this act;

42 (b) License of the private school is revoked pursuant to chapter
43 394 of NRS; or

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



1 2. *The Department shall revoke the certification of a public*
2 *school as an eligible school if the public school:*

3 (a) *Fails to comply with the provisions of this chapter or the*
4 *regulations adopted by the State Board pursuant to section 7 of*
5 *this act; or*

6 (b) *Accepts for enrollment a child from the Scholarship*
7 *Program who resides in the school district in which the public*
8 *school is located.*

9 3. *As soon as practicable after revoking the certification of a*
10 *public school or private school pursuant to this section, the*
11 *Department shall provide notice of the revocation to the parent or*
12 *legal guardian of each child who participates in the Scholarship*
13 *Program and is enrolled in that public school or private school.*
14 *Upon revocation, each child must be allowed to:*

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

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

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

20 (a) *Comply with all laws and regulations relating to*
21 *antidiscrimination and civil rights;*

22 (b) *If the eligible school is a private school, provide, upon the*
23 *request of the Department, proof of financial viability in*
24 *accordance with the regulations adopted by the State Board*
25 *pursuant to section 7 of this act;*

26 (c) *Provide to the parent or legal guardian of each child who*
27 *participates in the Scholarship Program a regular report on the*
28 *academic progress of the child; and*

29 (d) *Comply with the provisions of this chapter and the*
30 *regulations adopted by the State Board pursuant to section 7 of*
31 *this act.*

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

35 **Sec. 12. 1. Except as otherwise provided in this subsection,**
36 *the parent or legal guardian of a child may submit to the*
37 *Department an application to participate in the Scholarship*
38 *Program if:*

39 (a) *The child is a pupil with a disability and has an*
40 *individualized education program;*

41 (b) *The child is enrolled in a public school or is not enrolled in*
42 *a school because he has not attained the age required for*
43 *enrollment;*

44 (c) *An eligible school has accepted the child for admission;*
45 *and*



1 (d) *The parent or legal guardian of the child notifies the*
2 *Department, in the manner required by the Department, of his*
3 *request for a scholarship before the pupil enters the eligible*
4 *school.*

5 ↳ *A child may enroll in an eligible school that is a public school*
6 *only if the public school is located outside the school district in*
7 *which the child resides.*

8 2. *A parent or legal guardian may include in the application*
9 *a statement describing the reason for requesting that his child*
10 *participate in the Scholarship Program.*

11 3. *Upon receipt of an application pursuant to subsection 1,*
12 *the Department shall notify the school district in which the child*
13 *resides that an application to participate in the Scholarship*
14 *Program has been submitted. The school district in which the*
15 *child resides shall, within 3 business days after receiving such*
16 *notice, provide to the Department a copy of the current*
17 *individualized education program of the child.*

18 4. *The Department shall approve an application if the*
19 *application satisfies the requirements of subsection 1.*

20 5. *Upon approval of an application, the Department shall*
21 *provide a written statement of approval to the parent or legal*
22 *guardian of the child and the eligible school in which the child*
23 *will be enrolled. Upon denial of an application, the Department*
24 *shall provide a written statement of denial to the parent or legal*
25 *guardian of the child indicating the reason for the denial.*

26 6. *A child who participates in the Scholarship Program and is*
27 *enrolled in a private school that is an eligible school shall be*
28 *deemed enrolled in the private school by his parent or legal*
29 *guardian pursuant to the Individuals with Disabilities Education*
30 *Act, 20 U.S.C. § 1412, rather than placed or referred for*
31 *placement in the private school by the State or a local school*
32 *district.*

33 7. *Neither the board of trustees of the school district in which*
34 *the child attends school nor the board of trustees of the school*
35 *district in which the child resides is required to provide*
36 *transportation for the child to attend the eligible school.*

37 8. *The participation of a child in the Scholarship Program*
38 *does not imply that the public school or school district in which*
39 *the child was previously enrolled failed to provide a free*
40 *appropriate public education for the child in accordance with the*
41 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
42 *seq.*

43 9. *As used in this section, "pupil with a disability" has the*
44 *meaning ascribed to it in NRS 388.440.*



1 **Sec. 13. 1.** *A child may continue to participate in the*
2 *Scholarship Program if the child is enrolled in good standing in*
3 *an eligible school and until the child:*

4 *(a) Attains 21 years of age; or*

5 *(b) Graduates from high school,*

6 *↳ whichever occurs first.*

7 **2.** *Before renewing a scholarship to a child for any*
8 *subsequent school year, the Department shall require the parent*
9 *or legal guardian of the child to provide documentation as deemed*
10 *necessary by the Department to demonstrate that the child*
11 *continues to remain eligible to participate in the Scholarship*
12 *Program. A scholarship is forfeited if a child or his parent or legal*
13 *guardian fails to comply with this subsection.*

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

16 *(a) In the manner required by the Department, request a*
17 *transfer of the child to another eligible school.*

18 *(b) Withdraw his child from participation in the Scholarship*
19 *Program at any time upon written notice to the Department.*

20 **4.** *If a child withdraws from the Scholarship Program, he*
21 *must be allowed to enroll in the public school that he is otherwise*
22 *zoned to attend.*

23 **Sec. 14. 1.** *If more children who participate in the*
24 *Scholarship Program apply for enrollment in an eligible school*
25 *than the number of spaces which are available at that school, the*
26 *eligible school shall:*

27 *(a) Determine which applicants to enroll at random by a*
28 *lottery system; and*

29 *(b) Provide to the Department written evidence that the school*
30 *complied with the provisions of this section.*

31 **2.** *If the Department determines that the eligible school did*
32 *not comply with the lottery system required by this section, the*
33 *Department may withdraw the certification of the eligible school.*

34 **Sec. 15.** *A private school that is certified as an eligible school*
35 *shall not require a child who participates in the Scholarship*
36 *Program to participate in any religious activity.*

37 **Sec. 16. 1.** *If a child participates in the Scholarship*
38 *Program and is enrolled in an eligible school, the child must be*
39 *included in the count of pupils in the school district in which the*
40 *child attends school for the purposes of apportionments and*
41 *allowances from the State Distributive School Account pursuant to*
42 *NRS 387.121 to 387.126, inclusive. In addition to the basic support*
43 *per pupil in the school district in which the child attends school,*
44 *the eligible school must receive the proportionate cost of providing*
45 *a special education to the child as determined in accordance with*



1 *the regulations adopted pursuant to section 7 of this act. The*
2 *Department is not required to issue a scholarship to a child who is*
3 *enrolled in a public school that is certified as an eligible school*
4 *but shall ensure that the child is included in the count of pupils in*
5 *the school district in which he attends school and that the eligible*
6 *school receives the proportionate cost of providing a special*
7 *education to the child.*

8 2. *A private school that is certified as an eligible school shall*
9 *submit to the Department a list of names of the children who*
10 *participate in the Scholarship Program and are accepted for*
11 *enrollment in the private school. Upon receipt of such a list, the*
12 *Department shall verify that each child identified on the list has*
13 *been approved for participation in the Scholarship Program. After*
14 *the Department verifies the list of names, the Department shall*
15 *issue a scholarship to each parent or legal guardian of a child who*
16 *is approved for participation in the Scholarship Program and*
17 *accepted for enrollment in a private school that is certified as an*
18 *eligible school. The parent or legal guardian shall restrictively*
19 *endorse the scholarship for use by the private school which his*
20 *child attends and submit the scholarship to that private school.*

21 3. *A private school that is certified as an eligible school may*
22 *submit to the Department all scholarships that it receives which*
23 *are endorsed for payment. A parent or legal guardian of a child*
24 *may not submit a scholarship directly to the Department for*
25 *payment. Upon receipt of all scholarships from a private school*
26 *that is certified as an eligible school, the Department shall pay to*
27 *the private school for each child who participates in the*
28 *Scholarship Program and is enrolled in the private school an*
29 *amount equal to the:*

30 (a) *Sum of the basic support per pupil in the county in which*
31 *the child attends school plus the amount of local funds available*
32 *per pupil pursuant to NRS 387.1235 and all other funds available*
33 *for public schools in the county in which the child attends school;*
34 *and*

35 (b) *Proportionate cost of providing a special education to the*
36 *child as determined in accordance with the regulations adopted*
37 *pursuant to section 7 of this act.*

38 **Sec. 17.** *Each school district shall allow a child who*
39 *participates in the Scholarship Program and is enrolled in a*
40 *private school that is certified as an eligible school to participate*
41 *in taking an examination that is administered pursuant to NRS*
42 *389.550 and the high school proficiency examination administered*
43 *pursuant to NRS 389.015. Each school district shall ensure that*
44 *the children who participate in the Scholarship Program and are*
45 *enrolled in private schools which are certified as eligible schools*



1 *who reside in the school district have adequate notice of the*
2 *availability of information concerning such examinations on the*
3 *Internet website of the school district maintained pursuant to*
4 *NRS 389.004.*

5 **Sec. 18.** 1. *The Department may contract with one or more*
6 *qualified, independent consultants to conduct an evaluation of the*
7 *Scholarship Program established by this chapter.*

8 2. *An evaluation conducted pursuant to subsection 1 must*
9 *include:*

10 (a) *The level of satisfaction reported by the children who*
11 *participate in the Scholarship Program;*

12 (b) *The level of satisfaction reported by the parents and legal*
13 *guardians of the children who participate in the Scholarship*
14 *Program;*

15 (c) *The effectiveness of the Scholarship Program, including,*
16 *without limitation, a determination of whether the academic*
17 *achievement of children who participate in the Scholarship*
18 *Program has improved;*

19 (d) *The number of children who participate in the Scholarship*
20 *Program and who exhibited behavioral problems while attending*
21 *an eligible school as compared to the behavioral problems those*
22 *children exhibited before enrollment in an eligible school;*

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

26 (f) *The fiscal impact of the Scholarship Program on the State*
27 *and on each school district; and*

28 (g) *Any other items deemed necessary by the Department.*

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

31 (a) *Shall submit a copy of the final written report of the*
32 *evaluation to the Director of the Legislative Counsel Bureau for*
33 *transmission to the next regular session of the Legislature.*

34 (b) *May receive and accept gifts and grants from any source to*
35 *pay the costs associated with the evaluation.*

36 **Sec. 19.** NRS 385.310 is hereby amended to read as follows:

37 385.310 The Deputy Superintendent for Administrative and
38 Fiscal Services, under the direction of the Superintendent of Public
39 Instruction, shall:

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

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



- 1 (a) School district; and
- 2 (b) School within a school district.
- 3 ↪ Upon approval of the State Board, the system is mandatory for all
- 4 public schools in this State and must be enforced as provided in
- 5 subsection 2 of NRS 385.315.

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

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

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

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

20 **Sec. 20.** NRS 386.415 is hereby amended to read as follows:

21 386.415 1. The board of trustees of any school district may
22 enter into an agreement with any ~~individual,~~ *person*, firm,
23 partnership, corporation, association or public agency which has
24 been approved for such purpose by the Aging Services Division of
25 the Department of Health and Human Services ~~;~~ whereby the
26 school district agrees to prepare hot lunches for persons 60 years of
27 age or older and their spouses or any group of such persons by
28 utilizing the systems and procedures already developed for use in
29 the school lunch program of ~~such~~ *the* district.

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

32 (a) Involve the expenditure by the school district of any school
33 lunch money or other *money for the system of* public ~~school~~
34 ~~money~~ *education* or the use of any school lunch commodities or
35 public school personnel, equipment or facilities unless the
36 agreement includes a provision requiring full reimbursement
37 therefor.

38 (b) Provide for payment to the school district of any amount in
39 excess of the estimated actual cost of food, personnel, equipment,
40 facilities and other necessary expenditures involved in the
41 performance of the agreement. The estimated actual cost ~~shall~~
42 *must* be negotiated by the board of trustees and the Aging Services
43 Division of the Department of Health and Human Services.



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

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

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

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

26 3. Upon completion of a school year, the sponsor of a charter
27 school may request reimbursement from the governing body of the
28 charter school for the administrative costs associated with
29 sponsorship for that school year if the sponsor provided
30 administrative services during that school year. The request must
31 include an itemized list of those costs. Upon receipt of such a
32 request, the governing body shall pay the reimbursement to the
33 board of trustees of the school district if the board of trustees
34 sponsors the charter school, to the Department if the State Board
35 sponsors the charter school or to the college or university within the
36 Nevada System of Higher Education if that institution sponsors the
37 charter school. If a governing body fails to pay the reimbursement,
38 the charter school shall be deemed to have violated its written
39 charter and the sponsor may take such action to revoke the written
40 charter pursuant to NRS 386.535 as it deems necessary. If the board
41 of trustees of a school district is the sponsor of a charter school, the
42 amount of money that may be paid to the sponsor pursuant to this
43 subsection for administrative expenses in 1 school year must not
44 exceed:



1 (a) For the first year of operation of the charter school, 2 percent
2 of the total amount of money apportioned to the charter school
3 during the year pursuant to NRS 387.124.

4 (b) For any year after the first year of operation of the charter
5 school, 1 percent of the total amount of money apportioned to the
6 charter school during the year pursuant to NRS 387.124.

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

12 (a) For the first year of operation of the charter school, 2 percent
13 of the total amount of money apportioned to the charter school
14 during the year pursuant to NRS 387.124.

15 (b) For any year after the first year of operation of the charter
16 school, 1.5 percent of the total amount of money apportioned to the
17 charter school during the year pursuant to NRS 387.124.

18 5. To determine the amount of money for distribution to a
19 charter school in its first year of operation, the count of pupils who
20 are enrolled in the charter school must initially be determined 30
21 days before the beginning of the school year of the school district,
22 based on the number of pupils whose applications for enrollment
23 have been approved by the charter school. The count of pupils who
24 are enrolled in the charter school must be revised on the last day of
25 the first school month of the school district in which the charter
26 school is located for the school year, based on the actual number of
27 pupils who are enrolled in the charter school. Pursuant to subsection
28 ~~5~~ 7 of NRS 387.124, the governing body of a charter school may
29 request that the apportionments made to the charter school in its first
30 year of operation be paid to the charter school 30 days before the
31 apportionments are otherwise required to be made.

32 6. If a charter school ceases to operate as a charter school
33 during a school year, the remaining apportionments that would have
34 been made to the charter school pursuant to NRS 387.124 for that
35 year must be paid on a proportionate basis to the school districts
36 where the pupils who were enrolled in the charter school reside.

37 7. The governing body of a charter school may solicit and
38 accept donations, money, grants, property, loans, personal services
39 or other assistance for purposes relating to education from members
40 of the general public, corporations or agencies. The governing body
41 may comply with applicable federal laws and regulations governing
42 the provision of federal grants for charter schools. The State Board
43 may assist a charter school that operates exclusively for the
44 enrollment of pupils who receive special education in identifying
45 sources of money that may be available from the Federal



1 Government or this State for the provision of educational programs
2 and services to such pupils.

3 8. If a charter school uses money received from this State to
4 purchase real property, buildings, equipment or facilities, the
5 governing body of the charter school shall assign a security interest
6 in the property, buildings, equipment and facilities to the State of
7 Nevada.

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

9 387.035 The State Controller shall keep a separate and distinct
10 account of:

11 1. The State Permanent School Fund.

12 2. The interest and income of the State Permanent School
13 Fund.

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

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

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

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

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

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

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

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



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

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

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

23 387.1211 As used in NRS 387.121 to 387.126, inclusive:

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

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

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

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

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

34 (d) *Are enrolled in an eligible school pursuant to sections 2 to*
35 *18, inclusive, of this act and participate in the Special Needs*
36 *Scholarship Program,*

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

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



1 **Sec. 27.** NRS 387.1233 is hereby amended to read as follows:

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

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

6 (1) Six-tenths the count of pupils enrolled in the kindergarten
7 department on the last day of the first school month of the school
8 district for the school year, including, without limitation, the count
9 of pupils who reside in the county and are enrolled in any charter
10 school *and any pupils who attend kindergarten in an eligible*
11 *school located in the county and receive a scholarship pursuant to*
12 *sections 2 to 18, inclusive, of this act* on the last day of the first
13 school month of the school district for the school year.

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

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

21 **(II) Attend an eligible school located in the county and**
22 **receive a scholarship pursuant to sections 2 to 18, inclusive, of this**
23 **act on the last day of the first school month of the school district**
24 **for the school year;** and **[the count of pupils who are]**

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

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

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

34 (I) In a public school of the school district and are
35 concurrently enrolled part-time in a program of distance education
36 provided by another school district or a charter school on the last
37 day of the first school month of the school district for the school
38 year, expressed as a percentage of the total time services are
39 provided to those pupils per school day in proportion to the total
40 time services are provided during a school day to pupils who are
41 counted pursuant to subparagraph (2).

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



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

4 (5) The count of pupils not included under subparagraph (1),
5 (2), (3) or (4), who are receiving special education pursuant to the
6 provisions of NRS 388.440 to 388.520, inclusive, *and who are*
7 *receiving special education pursuant to sections 2 to 18, inclusive,*
8 *of this act* on the last day of the first school month of the school
9 district for the school year, excluding the count of pupils who have
10 not attained the age of 5 years and who are receiving special
11 education pursuant to subsection 1 of NRS 388.490 on that day.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

29 2. The apportionment to a school district, computed on a yearly
30 basis, equals the difference between the basic support and the local
31 funds available pursuant to NRS 387.1235, minus all the funds
32 attributable to pupils who ~~reside~~ :

33 (a) *Reside* in the county but attend a charter school ~~[, all the~~
34 ~~funds attributable to pupils who reside]~~ ;

35 (b) *Reside* in the county and are enrolled full-time or part-time
36 in a program of distance education provided by another school
37 district or a charter school ~~[and all the funds attributable to pupils~~
38 ~~who are]~~ ;

39 (c) *Are* enrolled in a university school for profoundly gifted
40 pupils located in the county ~~[,]~~ ; and

41 (d) *Reside in the county and are enrolled in a private school*
42 *that is certified as an eligible school pursuant to sections 2 to 18,*
43 *inclusive, of this act.*

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



1 ~~[2.]~~ 3. Except as otherwise provided in subsection ~~[3.]~~ 4, the
2 apportionment to a charter school, computed on a yearly basis, is
3 equal to the sum of the basic support per pupil in the county in
4 which the pupil resides plus the amount of local funds available per
5 pupil pursuant to NRS 387.1235 and all other funds available for
6 ~~[public schools]~~ *the system of public education* in the county in
7 which the pupil resides minus all the funds attributable to pupils
8 who are enrolled in the charter school but are concurrently enrolled
9 part-time in a program of distance education provided by a school
10 district or another charter school. If the apportionment per pupil to a
11 charter school is more than the amount to be apportioned to the
12 school district in which a pupil who is enrolled in the charter school
13 resides, the school district in which the pupil resides shall pay the
14 difference directly to the charter school.

15 ~~[3.]~~ 4. The apportionment to a charter school that is sponsored
16 by the State Board or by a college or university within the Nevada
17 System of Higher Education, computed on a yearly basis, is equal to
18 the sum of the basic support per pupil in the county in which the
19 pupil resides plus the amount of local funds available per pupil
20 pursuant to NRS 387.1235 and all other funds available for ~~[public~~
21 ~~schools]~~ *the system of public education* in the county in which the
22 pupil resides, minus all funds attributable to pupils who are enrolled
23 in the charter school but are concurrently enrolled part-time in a
24 program of distance education provided by a school district or
25 another charter school.

26 ~~[4.]~~ 5. *The apportionment to a private school that is certified*
27 *as an eligible school pursuant to sections 2 to 18, inclusive, of this*
28 *act, computed on a yearly basis, is equal to the:*

29 (a) *Sum of the basic support per pupil in the county in which*
30 *the eligible school is located plus the amount of local funds*
31 *available per pupil pursuant to NRS 387.1235 and all other funds*
32 *available for the system of public education in the county in which*
33 *the eligible school is located; and*

34 (b) *Proportionate cost of providing a special education to a*
35 *child as determined in accordance with the regulations adopted*
36 *pursuant to section 7 of this act.*

37 6. In addition to the apportionments made pursuant to this
38 section, an apportionment must be made to a school district or
39 charter school that provides a program of distance education for
40 each pupil who is enrolled part-time in the program. The amount of
41 the apportionment must be equal to the percentage of the total time
42 services are provided to the pupil through the program of distance
43 education per school day in proportion to the total time services are
44 provided during a school day to pupils who are counted pursuant to



1 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
2 for the school district in which the pupil resides.

3 ~~[5-]~~ 7. The governing body of a charter school may submit a
4 written request to the Superintendent of Public Instruction to
5 receive, in the first year of operation of the charter school, an
6 apportionment 30 days before the apportionment is required to be
7 made pursuant to subsection 1. Upon receipt of such a request, the
8 Superintendent of Public Instruction may make the apportionment
9 30 days before the apportionment is required to be made. A charter
10 school may receive all four apportionments in advance in its first
11 year of operation.

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

32 ~~[7-]~~ 9. The Superintendent of Public Instruction shall
33 apportion, on or before August 1 of each year, the money designated
34 as the "Nutrition State Match" pursuant to NRS 387.105 to those
35 school districts that participate in the National School Lunch
36 Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school
37 district must be directly related to the district's reimbursements
38 for the Program as compared with the total amount of reimbursements
39 for all school districts in this State that participate in the Program.

40 ~~[8-]~~ 10. If the State Controller finds that such an action is
41 needed to maintain the balance in the State General Fund at a level
42 sufficient to pay the other appropriations from it, he may pay out the
43 apportionments monthly, each approximately one-twelfth of the
44 yearly apportionment less any amount set aside as a reserve. If such
45 action is needed, the State Controller shall submit a report to the



1 Department of Administration and the Fiscal Analysis Division of
2 the Legislative Counsel Bureau documenting reasons for the action.

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

4 387.185 1. Except as otherwise provided in subsection 2 and
5 NRS 387.528, all ~~school~~ money *for the system of public*
6 *education* due each county school district must be paid over by the
7 State Treasurer to the county treasurer on August 1, November 1,
8 February 1 and May 1 of each year or as soon thereafter as the
9 county treasurer may apply for it, upon the warrant of the State
10 Controller drawn in conformity with the apportionment of the
11 Superintendent of Public Instruction as provided in NRS 387.124.

12 2. Except as otherwise provided in NRS 387.528, if the board
13 of trustees of a school district establishes and administers a separate
14 account pursuant to the provisions of NRS 354.603, all ~~school~~
15 money *for the system of public education* due that school district
16 must be paid over by the State Treasurer to the school district on
17 August 1, November 1, February 1 and May 1 of each year or as
18 soon thereafter as the school district may apply for it, upon the
19 warrant of the State Controller drawn in conformity with the
20 apportionment of the Superintendent of Public Instruction as
21 provided in NRS 387.124.

22 3. No county school district may receive any portion of the
23 *money for the system of public* ~~school money~~ *education* unless
24 that school district has complied with the provisions of this title and
25 regulations adopted pursuant thereto.

26 4. Except as otherwise provided in this subsection, all ~~school~~
27 money *for the system of public education* due each charter school
28 must be paid over by the State Treasurer to the governing body of
29 the charter school on August 1, November 1, February 1 and May 1
30 of each year or as soon thereafter as the governing body may apply
31 for it, upon the warrant of the State Controller drawn in conformity
32 with the apportionment of the Superintendent of Public Instruction
33 as provided in NRS 387.124. If the Superintendent of Public
34 Instruction has approved, pursuant to subsection ~~5~~ 7 of NRS
35 387.124, a request for payment of an apportionment 30 days before
36 the apportionment is otherwise required to be made, the money due
37 ~~to~~ the charter school must be paid by the State Treasurer to the
38 governing body of the charter school on July 1, October 1, January 1
39 or April 1, as applicable.

40 5. Except as otherwise provided in this subsection, all ~~school~~
41 money *for the system of public education* due each university
42 school for profoundly gifted pupils must be paid over by the State
43 Treasurer to the governing body of the university school on August
44 1, November 1, February 1 and May 1 of each year or as soon
45 thereafter as the governing body may apply for it, upon the warrant



1 of the State Controller drawn in conformity with the apportionment
2 of the Superintendent of Public Instruction as provided in NRS
3 387.124. If the Superintendent of Public Instruction has approved,
4 pursuant to subsection ~~[6]~~ 8 of NRS 387.124, a request for payment
5 of an apportionment 30 days before the apportionment is otherwise
6 required to be made, the money due ~~[to]~~ the university school must
7 be paid by the State Treasurer to the governing body of the
8 university school on July 1, October 1, January 1 or April 1, as
9 applicable.

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

11 387.195 1. Each board of county commissioners shall levy a
12 tax of 75 cents on each \$100 of assessed valuation of taxable
13 property within the county for the support of the *system of* public
14 ~~[schools]~~ *education* within the county school district.

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

22 3. In addition to any tax levied in accordance with subsection
23 1, each board of county commissioners shall levy a tax for the
24 payment of interest and redemption of outstanding bonds of the
25 county school district.

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

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

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

33 387.210 Except when the board of trustees of a county school
34 district elects to establish a separate account under the provisions of
35 NRS 354.603, each county treasurer shall:

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

42 2. Pay over all *money for the system of* public ~~[school moneys]~~
43 *education* received by him only on warrants of the county auditor,
44 issued upon orders of the board of trustees of the county school
45 district. All orders issued in accordance with law by the board of



1 trustees ~~shall be~~ *are* valid vouchers in the hands of the county
2 auditors for warrants drawn upon such orders.

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

4 387.225 ~~[No]~~ A tax collector or county treasurer shall *not*
5 receive any fees or compensation whatever for collecting, receiving,
6 keeping, transporting or disbursing any *money for the system of*
7 public ~~[school moneys.]~~ *education.*

8 **Sec. 33.** NRS 388.150 is hereby amended to read as follows:

9 388.150 1. No books, tracts or papers of a sectarian or
10 denominational character may be used or introduced in any public
11 school established pursuant to the provisions of this title of NRS,
12 nor may any sectarian or denominational doctrines be taught in any
13 public school.

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

18 3. ~~[Nothing in this section prohibits]~~ *This section does not*
19 *prohibit* a school district or charter school from complying with
20 applicable federal laws, such as the Equal Access Act, 20 U.S.C. §§
21 4071 et seq.

22 **Sec. 34.** NRS 392.070 is hereby amended to read as follows:

23 392.070 1. Attendance of a child required by the provisions
24 of NRS 392.040 must be excused when:

25 (a) The child is enrolled in a private school pursuant to chapter
26 394 of NRS ~~[]~~, *including, without limitation, a private school that*
27 *is certified as an eligible school pursuant to sections 2 to 18,*
28 *inclusive, of this act;* or

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

33 2. The board of trustees of each school district shall provide
34 programs of special education and related services for
35 homeschooled children. The programs of special education and
36 related services required by this section must be made available:

37 (a) Only if a child would otherwise be eligible for participation
38 in programs of special education and related services pursuant to
39 NRS 388.440 to 388.520, inclusive;

40 (b) In the same manner that the board of trustees provides, as
41 required by 20 U.S.C. § 1412, for the participation of pupils with
42 disabilities who are enrolled in private schools within the school
43 district voluntarily by their parents or legal guardians; and

44 (c) In accordance with the same requirements set forth in 20
45 U.S.C. § 1412 which relate to the participation of pupils with



1 disabilities who are enrolled in private schools within the school
2 district voluntarily by their parents or legal guardians.

3 3. Except as otherwise provided in subsection 2 for programs
4 of special education and related services, upon the request of a
5 parent or legal guardian of a child who is enrolled in a private
6 school or a parent or legal guardian of a homeschooled child, the
7 board of trustees of the school district in which the child resides
8 shall authorize the child to participate in any classes and
9 extracurricular activities, excluding sports, at a public school within
10 the school district if:

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

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

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

20 ➤ If the board of trustees of a school district authorizes a child to
21 participate in a class or extracurricular activity, excluding sports,
22 pursuant to this subsection, the board of trustees is not required to
23 provide transportation for the child to attend the class or activity. A
24 homeschooled child must be allowed to participate in interscholastic
25 activities and events governed by the Nevada Interscholastic
26 Activities Association pursuant to NRS 386.420 to 386.470,
27 inclusive, and interscholastic activities and events, including sports,
28 pursuant to subsection 5.

29 4. The board of trustees of a school district may revoke its
30 approval for a pupil to participate in a class or extracurricular
31 activity at a public school pursuant to subsection 3 if the board of
32 trustees or the public school determines that the pupil has failed to
33 comply with applicable statutes, or applicable rules and regulations
34 of the board of trustees. If the board of trustees revokes its approval,
35 neither the board of trustees nor the public school is liable for any
36 damages relating to the denial of services to the pupil.

37 5. In addition to those interscholastic activities and events
38 governed by the Nevada Interscholastic Activities Association
39 pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled
40 child must be allowed to participate in interscholastic activities and
41 events, including sports, if a notice of intent of a homeschooled
42 child to participate in programs and activities is filed for the child
43 with the school district for the current school year pursuant to NRS
44 392.705. A homeschooled child who participates in interscholastic
45 activities and events at a public school pursuant to this subsection



1 must participate within the school district of the child's residence
2 through the public school which the child is otherwise zoned to
3 attend. Any rules or regulations that apply to pupils enrolled in
4 public schools who participate in interscholastic activities and
5 events, including sports, apply in the same manner to homeschooled
6 children who participate in interscholastic activities and events,
7 including, without limitation, provisions governing:

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

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

21 (a) No challenge may be brought by the *Nevada Interscholastic*
22 *Activities* Association, a school district, a public school or a private
23 school, a parent or guardian of a pupil enrolled in a public school or
24 a private school, a pupil enrolled in a public school or a private
25 school, or any other entity or person claiming that an interscholastic
26 activity or event is invalid because the homeschooled child is
27 allowed to participate.

28 (b) Neither the school district nor a public school may prescribe
29 any regulations, rules, policies, procedures or requirements
30 governing the eligibility or participation of the homeschooled child
31 that are more restrictive than the provisions governing the eligibility
32 and participation of pupils enrolled in public schools.

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

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

37 (a) May, before providing programs of special education and
38 related services to a homeschooled child pursuant to subsection 2,
39 require proof of the identity of the child, including, without
40 limitation, the birth certificate of the child or other documentation
41 sufficient to establish the identity of the child.

42 (b) May, before authorizing a homeschooled child to participate
43 in a class or extracurricular activity, excluding sports, pursuant to
44 subsection 3, require proof of the identity of the child, including,



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

3 (c) Shall, before allowing a homeschooled child to participate in
4 interscholastic activities and events governed by the Nevada
5 Interscholastic Activities Association pursuant to NRS 386.420 to
6 386.470, inclusive, and interscholastic activities and events pursuant
7 to subsection 5, require proof of the identity of the child, including,
8 without limitation, the birth certificate of the child or other
9 documentation sufficient to establish the identity of the child.

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

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

16 **Sec. 35.** NRS 392A.083 is hereby amended to read as follows:

17 392A.083 1. Each pupil who is enrolled in a university
18 school for profoundly gifted pupils, including, without limitation, a
19 pupil who is enrolled in a program of special education in a
20 university school for profoundly gifted pupils, must be included in
21 the count of pupils in the school district in which the school is
22 located for the purposes of apportionments and allowances from the
23 State Distributive School Account pursuant to NRS 387.121 to
24 387.126, inclusive, unless the pupil is exempt from compulsory
25 school attendance pursuant to NRS 392.070.

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

30 3. If a university school for profoundly gifted pupils receives
31 money for special education program units directly from this State,
32 the amount of money for special education that the school district
33 pays to the university school for profoundly gifted pupils may be
34 reduced proportionately by the amount of money the university
35 school received from this State for that purpose.

36 4. All money received by a university school for profoundly
37 gifted pupils from this State or from the board of trustees of a school
38 district must be deposited in a bank, credit union or other financial
39 institution in this State.

40 5. The governing body of a university school for profoundly
41 gifted pupils may negotiate with the board of trustees of the school
42 district in which the school is located or the State Board for
43 additional money to pay for services that the governing body wishes
44 to offer.



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

14 7. Pursuant to subsection ~~6~~ 8 of NRS 387.124, the governing
15 body of a university school for profoundly gifted pupils may request
16 that the apportionments made to the university school in its first year
17 of operation be paid to the university school 30 days before the
18 apportionments are otherwise required to be made.

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

25 9. If the governing body of a university school for profoundly
26 gifted pupils uses money received from this State to purchase real
27 property, buildings, equipment or facilities, the governing body of
28 the university school shall assign a security interest in the property,
29 buildings, equipment and facilities to the State of Nevada.

30 **Sec. 36.** NRS 394.130 is hereby amended to read as follows:

31 394.130 1. In order to secure uniform and standard work for
32 pupils in private schools in this State, instruction in the subjects
33 required by law for pupils in the public schools shall be required of
34 pupils receiving instruction in such private schools, either under the
35 regular state courses of study prescribed by the ~~[State]~~ Board ~~[of~~
36 ~~Education]~~ or under courses of study prepared by such private
37 schools and approved by the ~~[State]~~ Board. ~~[of Education.]~~

38 2. Such private schools ~~[shall be]~~ *are* required to furnish from
39 time to time such reports as the Superintendent of Public Instruction
40 may find necessary as to enrollment, attendance and general
41 progress within such schools.

42 3. ~~[Nothing in this section shall be so construed as:]~~ *This*
43 *section is not intended:*



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

4 (b) ~~[(F)]~~ *Except as otherwise provided in section 16 of this act,*
5 *to* give such private schools any right to share in the *money for the*
6 *system of* public ~~[school funds]~~ *education* apportioned for the
7 support of the *system of* public ~~[schools]~~ *education* of this State.

8 **Sec. 37.** NRS 41.0305 is hereby amended to read as follows:

9 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term
10 “political subdivision” includes an organization that was officially
11 designated as a community action agency pursuant to 42 U.S.C. §
12 2790 before that section was repealed and is included in the
13 definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the
14 Nevada Rural Housing Authority, an airport authority created by
15 special act of the Legislature, a regional transportation commission
16 and a fire protection district, irrigation district, school district,
17 governing body of a charter school, any other special district that
18 performs a governmental function, even though it does not exercise
19 general governmental powers, and the governing body of a
20 university school for profoundly gifted pupils. *The term does not*
21 *include a private school that is certified as an eligible school*
22 *pursuant to sections 2 to 18, inclusive, of this act.*

23 **Sec. 38.** NRS 241.015 is hereby amended to read as follows:

24 241.015 As used in this chapter, unless the context otherwise
25 requires:

26 1. “Action” means:

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

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

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

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

37 2. “Meeting”:

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

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

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



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

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

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

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

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

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

19 3. Except as otherwise provided in this subsection, "public
20 body" means any administrative, advisory, executive or legislative
21 body of the State or a local government which expends or disburses
22 or is supported in whole or in part by tax revenue or which
23 advises or makes recommendations to any entity which expends or
24 disburses or is supported in whole or in part by tax revenue,
25 including, but not limited to, any board, commission, committee,
26 subcommittee or other subsidiary thereof and includes an
27 educational foundation as defined in subsection 3 of NRS 388.750
28 and a university foundation as defined in subsection 3 of NRS
29 396.405. "Public body" does not include ~~the~~ :

30 (a) *The* Legislature of the State of Nevada.

31 (b) *A private school that is certified as an eligible school*
32 *pursuant to sections 2 to 18, inclusive, of this act.*

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

36 **Sec. 39.** NRS 278C.250 is hereby amended to read as follows:

37 278C.250 1. After the effective date of the ordinance adopted
38 pursuant to NRS 278C.220, any taxes levied upon taxable property
39 in the tax increment area each year by or for the benefit of the State,
40 the municipality and any public body must be divided as follows:

41 (a) That portion of the taxes that would be produced by the rate
42 upon which the tax is levied each year by or for each of those taxing
43 agencies upon the total sum of the assessed value of the taxable
44 property in the tax increment area as shown upon the last equalized
45 assessment roll used in connection with the taxation of the property



1 by the taxing agency must be allocated to , and when collected
2 must be paid into , the funds of the respective taxing agencies as
3 taxes by or for the taxing agencies on all other property are paid.

4 (b) Except as otherwise provided in this section, the portion of
5 the taxes levied each year in excess of the amount determined
6 pursuant to paragraph (a) must be allocated to, and when collected
7 must be paid into, the tax increment account pertaining to the
8 undertaking to pay the bond requirements of loans, money advanced
9 to, or indebtedness, whether funded, refunded, assumed or
10 otherwise, incurred by the municipality to finance or refinance, in
11 whole or in part, the undertaking. Unless the total assessed valuation
12 of the taxable property in the tax increment area exceeds the total
13 assessed value of the taxable property in the area as shown by the
14 last equalized assessment roll referred to in this subsection, all of the
15 taxes levied and collected upon the taxable property in the area must
16 be paid into the funds of the respective taxing agencies. When the
17 loans, advances and indebtedness, if any, and interest thereon, have
18 been paid, all money thereafter received from taxes upon the taxable
19 property in the tax increment area must be paid into the funds of the
20 respective taxing agencies as taxes on all other property are paid.

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

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

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

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

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

43 ➔ Notwithstanding the provisions of this subsection, if a
44 municipality has a population of less than 100,000 at the time the
45 municipality issues securities for a tax increment area pursuant to



1 NRS 278C.280, the revenue limitation set forth in paragraph (b)
2 must remain the revenue limitation for the tax increment area until
3 such time as the securities issued for that tax increment area
4 pursuant to NRS 278C.280 have been paid in full, including any
5 securities issued to refund those securities, regardless of whether the
6 population of the municipality reaches or exceeds 100,000 after the
7 issuance of those securities.

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

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

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

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

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

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

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



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

4 **Sec. 40.** NRS 286.070 is hereby amended to read as follows:

5 286.070 1. “Public employer” means the State, one of its
6 agencies or one of its political subdivisions, the System, irrigation
7 districts created under the laws of the State of Nevada, a public or
8 quasi-public organization or agency that is funded, at least in part,
9 by public money, including a regional transportation commission, a
10 governing body of a charter school and a council of governments
11 created pursuant to the laws of the State of Nevada. *The term does*
12 *not include a private school that is certified as an eligible school*
13 *pursuant to sections 2 to 18, inclusive, of this act.*

14 2. State agencies are those agencies subject to state control and
15 supervision, including those whose employees are governed by
16 chapter 284 of NRS, unless specifically exempted therefrom, and
17 those which deposit money with the State Treasurer.

18 **Sec. 41.** On or before January 1, 2010, the State Board of
19 Education shall adopt regulations required by section 7 of this act.
20 The State Board shall ensure that the regulations carry out the
21 Special Needs Scholarship Program in accordance with sections 2 to
22 18, inclusive, of this act beginning with the 2010-2011 school year.

23 **Sec. 42.** A public school or private school that is certified as
24 an eligible school by the Department of Education pursuant to
25 section 9 of this act may commence operation under the Special
26 Needs Scholarship Program beginning with the 2010-2011 school
27 year.

28 **Sec. 43.** 1. This section and sections 1, 7, 41 and 42 of this
29 act become effective on July 1, 2009.

30 2. Sections 2 to 6, inclusive, and 8 to 40, inclusive, of this act
31 become effective on January 1, 2010.

