

Amendment No. 639

Senate Amendment to Senate Bill No. 302 (BDR 34-567)

Proposed by: Senate Committee on Education

Amendment Box: Replaces Amendment No. 499.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

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

RBL



Date: 4/20/2015

S.B. No. 302—Establishes a program by which a child enrolled in a licensed private school may receive a grant of money in an amount equal to a certain percentage of the per-pupil amount apportioned to the resident school district of the child. (BDR 34-567)



SENATE BILL NO. 302—SENATOR HAMMOND

MARCH 16, 2015

Referred to Committee on Education

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

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

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

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

Legislative Counsel's Digest:

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

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

19 for any given school year does not preclude the parent from entering into or renewing an
20 agreement for any subsequent year.

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

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

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

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

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

61 Sections 15.1 and 16.4 of this bill provide that a child who participates in the
62 program but who does not enroll in a private school is an opt-in child. Section 16.4
63 requires the parent or guardian of such a child to notify the school district where the
64 child would otherwise attend.

65 Existing law requires the parent of a homeschooled child who wishes to participate
66 in activities at a public school, including a charter school, through a school district or
67 through the Nevada Interscholastic Activities Association to file a notice of intent to
68 participate with the school district in which the child resides. (NRS 386.430, 386.580,
69 392.705) Section 16.5 of this bill enacts similar requirements for the parents of an opt-in
70 child who wishes to participate with the school district. Sections 15.2 and 15.3 of this bill
71 authorize an opt-in child to participate in the Nevada Youth Legislature. Sections 15.4-
72 15.8 and 16.7 of this bill authorize an opt-in child to participate in activities at a public
73 school, through a school district or through the Nevada Interscholastic Activities
74 Association if the parent files a notice of intent to participate. Section 16.6 of this bill
75 requires an opt-in child who wishes to enroll in a public high school to provide proof
76 demonstrating competency in courses required for promotion to high school similar to
77 that required of a homeschooled child who wishes to enroll in a public high school.

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

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

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

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

3 **Sec. 2.** *As used in sections 2 to 15, inclusive, of this act, unless the context*
 4 *otherwise requires, the words and terms defined in sections ~~1~~ 3 to 6, inclusive,*
 5 *of this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Education savings account” means an account established for a*
 7 *child pursuant to section 7 of this act.*

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

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

11 2. Any other college or university that:

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

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

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

17 **Sec. 4.** *“Parent” ~~has the meaning ascribed to it in NRS 392.700.~~ means*
 18 *the parent, custodial parent, legal guardian or other person in this State who has*
 19 *control or charge of a child and the legal right to direct the education of the*
 20 *child.*

21 **Sec. 5.** *“Participating ~~[school]~~ entity” means a private school that is*
 22 *licensed pursuant to chapter 394 of NRS ~~;~~ the governing body of which or*
 23 *exempt from such licensing pursuant to NRS 394.211, an eligible institution, a*
 24 *program of distance education that is not offered by a public school or the*
 25 *Department, a tutor or tutoring agency or a parent that has provided to the*
 26 *~~Department the notification.~~ State Treasurer the application described in*
 27 *subsection 1 of section 11 of this act.*

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

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

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

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

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

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

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

11 2. If an agreement is entered into pursuant to subsection 1, an education
12 savings account must be established by the parent on behalf of the child. The
13 account must be maintained with a financial management firm qualified by the
14 ~~Department~~ State Treasurer pursuant to section 10 of this act or with a bank or
15 other financial institution.

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

20 4. An agreement entered into pursuant to subsection 1 is valid for 1 school
21 year ~~and~~ but may be terminated early. If the agreement is terminated early, the
22 child may not receive instruction from a public school in this State until the end
23 of the period for which the last deposit was made into the education savings
24 account pursuant to section 8 of this act, except to the extent the pupil was
25 allowed to receive instruction from a public school under the agreement.

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

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

33 ~~5.7~~ 7. A parent may enter into ~~and~~ a separate agreement pursuant to
34 subsection 1 for each child of the parent.

35 ~~6.7~~ Not more than one education savings account may be established for a
36 child.

37 ~~7. The~~

38 8. Except as otherwise provided in subsection 10, the ~~Department~~ State
39 Treasurer shall enter into or renew an agreement pursuant to ~~subsection 1 or 4~~
40 this section with any parent of a child required by NRS 392.040 to attend a public
41 school who applies to the ~~Department~~ State Treasurer in the manner provided
42 by the ~~Department. The Department~~ State Treasurer. The State Treasurer shall
43 make the application available on the Internet website of the ~~Department~~ State
44 Treasurer.

45 ~~8.7~~ 9. Upon entering into or renewing an agreement pursuant to
46 ~~subsection 1 or 4~~ this section, the ~~Department~~ State Treasurer shall provide to
47 the parent who enters into or renews the agreement a written explanation of the
48 authorized uses, pursuant to section 9 of this act, of the money in an education
49 savings account and the responsibilities of the parent and the ~~Department~~ State
50 Treasurer pursuant to the agreement and sections 2 to 15, inclusive, of this act.

51 11. A parent may not establish an education savings account for a child
52 who will be homeschooled, who will receive instruction outside this State or who
53 will remain enrolled full-time in a public school, regardless of whether such a

1 child receives instruction from a participating entity. A parent may establish an
2 education savings account for a child who receives a portion of his or her
3 instruction from a public school and a portion of his or her instruction from a
4 participating entity.

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

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

11 (a) For a child with special needs or a child with a household income that is
12 less than 185 percent of the federally designated level signifying poverty, 100
13 percent of the sum of the basic support per pupil in the county in which the child
14 resides, plus the amount of local funds available per pupil pursuant to NRS
15 387.1235; and

16 (b) For all other children, 90 percent of the sum of the basic support per
17 pupil in the county in which the child resides plus the amount of local funds
18 available per pupil pursuant to NRS 387.1235.

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

25 4. The ~~Department~~ State Treasurer may deduct not more than 3 percent of
26 each grant for the administrative costs of implementing the provisions of sections
27 2 to 15, inclusive, of this act.

28 ~~4.1~~ 5. The ~~Department~~ State Treasurer shall deposit the money for each
29 grant in quarterly installments pursuant to a schedule determined by the
30 ~~Department.~~

31 ~~5.1~~ State Treasurer.

32 6. Any money remaining in an education savings account:

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

35 (b) When an agreement entered into pursuant to section 7 of this act is not
36 renewed or terminated while the child is still required by NRS 392.040 to attend a
37 public school, reverts to the State General Fund at the end of the last day of the
38 agreement.

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

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

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

1 (a) Tuition and fees at ~~the participating~~ a school that is a participating
 2 entity in which the child ~~for whose behalf the money is deposited~~ is enrolled;

3 (b) Textbooks required for ~~the~~ a child ~~at the participating~~ who enrolls in a
 4 school ~~that is a participating entity~~;

5 (c) Tutoring or other teaching services provided by a ~~person or facility~~
 6 ~~accredited to provide tutoring or other teaching services by a state, regional or~~
 7 ~~national accrediting organization~~; tutor or tutoring facility that is a participating
 8 entity;

9 (d) Tuition and fees for ~~an online education~~ a program ~~if the program is~~
 10 ~~not offered by a public school or the Department~~ of distance education that is a
 11 participating entity;

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

15 (f) Payments to the Nevada Higher Education Prepaid Tuition Trust Fund
 16 created by NRS 353B.140 pursuant to a prepaid tuition contract entered into on
 17 behalf of the child or the Nevada College Savings Trust Fund created by NRS
 18 353B.340 pursuant to a savings trust agreement entered into on behalf of the
 19 child;

20 (g) If the child is a pupil with a disability, as that term is defined in NRS
 21 388.440, fees for any special instruction or special services provided to the child;

22 (h) Tuition and fees at an eligible institution ~~as that term is defined in NRS~~
 23 ~~396.016~~ that is a participating entity;

24 (i) Textbooks required for the child at an eligible institution ~~as that term is~~
 25 ~~defined in NRS 396.016, or~~ that is a participating entity or to receive instruction
 26 from any other participating entity;

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

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

32 (l) Purchasing a curriculum or any supplemental materials required to
 33 administer the curriculum.

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

38 3. A participating ~~school, person, institution or facility~~ entity that receives
 39 a payment authorized by subsection 1 shall not:

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

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

45 ~~3~~ 4. A parent who receives a refund pursuant to subsection ~~1~~ 3 shall
 46 deposit the refund in the education savings account from which the money
 47 refunded was paid.

48 ~~4~~ 5. Nothing in this section shall be deemed to prohibit a parent or child
 49 from making a payment for any tuition, fee, service or product described in
 50 subsection 1 from a source other than the education savings account of the child.

51 Sec. 10. 1. The ~~Department~~ State Treasurer shall qualify one or more
 52 private financial management firms to manage education savings accounts and

1 shall establish reasonable fees, based on market rates, for the management of
2 education savings accounts.

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

7 3. If the ~~{Department}~~ State Treasurer determines that there has been
8 substantial misuse of the money in an education savings account, the
9 ~~{Department}~~ State Treasurer may:

10 (a) Freeze or dissolve the account, subject to any regulations adopted by the
11 ~~{Department}~~ State Treasurer providing for notice of such action and opportunity
12 to respond to the notice; and

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

15 Sec. 11. 1. ~~{The governing body of a private school licensed pursuant to~~
16 ~~chapter 394 may notify the Department, in a manner provided for by the~~
17 ~~Department, that the governing body desires to participate in the grant program~~
18 ~~provided for in sections 2 to 15, inclusive, of this act by accepting payments for~~
19 ~~tuition and fees made from education savings accounts and otherwise complying~~
20 ~~with the provisions of sections 2 to 15, inclusive, of this act.}~~ The following
21 persons may become a participating entity by submitting an application
22 demonstrating that the person is:

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

25 (b) An eligible institution;

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

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

30 (e) The parent of a child.

31 2. The State Treasurer shall approve an application submitted pursuant to
32 subsection 1 or request additional information to demonstrate that the person
33 meets the criteria to serve as a participating entity. If the applicant is unable to
34 provide such additional information, the State Treasurer may deny the
35 application.

36 ~~{2.}~~ 3. If it is reasonably expected that a participating {school} entity will
37 receive, from payments made from education savings accounts, more than
38 \$50,000 during any school year, the participating {school} entity shall annually,
39 on or before the date prescribed by the {Department} State Treasurer by
40 regulation:

41 (a) Post a surety bond in an amount equal to the amount reasonably
42 expected to be paid to the participating {school} entity from education savings
43 accounts during the school year; or

44 (b) Provide evidence satisfactory to the {Department} State Treasurer that the
45 participating {school} entity otherwise has unencumbered assets sufficient to pay to
46 the {Department} State Treasurer an amount equal to the amount described in
47 paragraph (a).

48 ~~{3.}~~ 4. Each participating {school} entity that accepts payments made from
49 education savings accounts shall provide a receipt for each such payment to the
50 parent who makes the payment.

51 ~~{4.}~~ 5. The {Department} State Treasurer may refuse to allow {a private
52 school licensed pursuant to chapter 394} an entity described in subsection 1 to
53 {participate or} continue to participate in the grant program provided for in

1 sections 2 to 15, inclusive, of this act if the ~~Department~~ State Treasurer
2 determines that the ~~private school~~ entity:

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

5 (b) Has failed to provide any educational services required by law to a child
6 ~~enrolled at the private school~~ receiving instruction from the entity if the ~~school~~
7 entity is accepting payments made from the education savings account of the
8 child.

9 ~~5.~~ 6. If the ~~Department~~ State Treasurer takes an action described in
10 subsection ~~4~~ 5 against ~~a private school~~ an entity described in subsection 1, the
11 ~~Department~~ State Treasurer shall provide immediate notice of the action to
12 each parent of a child ~~enrolled in~~ receiving instruction from the ~~private school~~
13 entity who has entered into or renewed an agreement pursuant to section 7 of this
14 act and on behalf of whose child a grant of money has been deposited pursuant to
15 section 8 of this act.

16 Sec. 12. 1. Each participating ~~school~~ entity that accepts payments for
17 tuition and fees made from education savings accounts shall:

18 (a) Ensure that each child on whose behalf a grant of money has been
19 deposited pursuant to section 8 of this act and who is ~~enrolled in~~ receiving
20 instruction from the participating ~~school~~ entity takes:

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

23 (2) Norm-referenced achievement examinations in mathematics and
24 English language arts each school year;

25 (b) Provide for value-added assessments of the results of the examinations
26 described in paragraph (a); and

27 (c) Subject to the Family Educational Rights and Privacy Act of 1974, 20
28 U.S.C. § 1232g, and any regulations adopted pursuant thereto, provide the results
29 of the examinations described in paragraph (a) to the Department or an
30 organization designated by the Department pursuant to subsection ~~5~~ 4.

31 2. The Department shall:

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

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

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

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

42 3. The ~~Department~~ State Treasurer shall administer an annual survey of
43 parents who enter into or renew an agreement pursuant to section 7 of this act.
44 The survey must ask each parent to indicate the number of years the parent has
45 entered into or renewed such an agreement and to express:

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

48 (b) The opinions of the parent regarding any topics, items or issues that the
49 ~~Department~~ State Treasurer determines may aid the ~~Department~~ State
50 Treasurer in evaluating and improving the effectiveness of the grant program
51 established pursuant to sections 2 to 15, inclusive, of this act.

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

1 **Sec. 13. 1. The ~~(Department)~~ State Treasurer shall ~~+~~**
 2 **~~1. Annually~~ annually make available a list of participating ~~(schools, and~~**
 3 **entities, other than any parent of a child.**

4 **2. Subject to the Family Educational Rights and Privacy Act of 1974, 20**
 5 **U.S.C. § 1232g, and any regulations adopted pursuant thereto, the Department**
 6 **shall annually require the resident school district of each child on whose behalf a**
 7 **grant of money is made pursuant to section 8 of this act to provide to the**
 8 **participating ~~(school in which the child enrolls)~~ entity any educational records of**
 9 **the child.**

10 **Sec. 14. Except as otherwise provided in sections 2 to 15, inclusive, of this**
 11 **act, nothing in the provisions of sections 2 to 15, inclusive, of this act, shall be**
 12 **deemed to limit the independence or autonomy of a participating ~~(school)~~ entity**
 13 **or to make the actions of a participating ~~(school)~~ entity the actions of the State**
 14 **Government.**

15 **Sec. 15. The ~~(Department)~~ State Treasurer shall adopt any regulations**
 16 **necessary or convenient to carry out the provisions of sections 2 to 15, inclusive,**
 17 **of this act.**

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

19 385.007 As used in this title, unless the context otherwise requires:

20 1. “Charter school” means a public school that is formed pursuant to the
 21 provisions of NRS 386.490 to 386.649, inclusive.

22 2. “Department” means the Department of Education.

23 3. “Homeschooled child” means a child who receives instruction at home and
 24 who is exempt from compulsory attendance pursuant to NRS 392.070 ~~(+)~~, **but does**
 25 **not include an opt-in child.**

26 4. “Limited English proficient” has the meaning ascribed to it in 20 U.S.C. §
 27 7801(25).

28 5. **“Opt-in child” means a child for whom an education savings account has**
 29 **been established pursuant to section 7 of this act, who is not enrolled full-time in**
 30 **a public or private school and who receives all or a portion of his or her**
 31 **instruction from a participating entity, as defined in section 5 of this act.**

32 6. “Public schools” means all kindergartens and elementary schools, junior
 33 high schools and middle schools, high schools, charter schools and any other
 34 schools, classes and educational programs which receive their support through
 35 public taxation and, except for charter schools, whose textbooks and courses of
 36 study are under the control of the State Board.

37 ~~(6)~~ 7. “State Board” means the State Board of Education.

38 ~~(7)~~ 8. “University school for profoundly gifted pupils” has the meaning
 39 ascribed to it in NRS 392A.040.

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

41 385.525 1. To be eligible to serve on the Youth Legislature, a person:

42 (a) Must be:

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

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

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

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

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

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

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

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

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

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

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

25 385.535 1. A position on the Youth Legislature becomes vacant upon:

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

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

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

31 (2) Two activities of the Youth Legislature;

32 (3) Two event days of the Youth Legislature; or

33 (4) Any combination of absences from meetings, activities or event days of
34 the Youth Legislature, if the combination of absences therefrom equals two or
35 more,

36 unless the absences are, as applicable, excused by the Chair or Vice Chair of the
37 Board.

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

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

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

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

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

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

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

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

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

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

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

13 386.430 1. The Nevada Interscholastic Activities Association shall adopt
14 rules and regulations in the manner provided for state agencies by chapter 233B of
15 NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470,
16 inclusive. The regulations must include provisions governing the eligibility and
17 participation of homeschooled children *and opt-in children* in interscholastic
18 activities and events. In addition to the regulations governing eligibility, ~~and~~:

19 (a) A homeschooled child who wishes to participate must have on file with the
20 school district in which the child resides a current notice of intent of a
21 homeschooled child to participate in programs and activities pursuant to NRS
22 392.705.

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

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

28 (a) The standards of safety for each event, competition or other activity
29 engaged in by a spirit squad of a school that is a member of the Nevada
30 Interscholastic Activities Association, which must substantially comply with the
31 spirit rules of the National Federation of State High School Associations, or its
32 successor organization; and

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

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

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

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

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

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

51 386.462 1. A homeschooled child must be allowed to participate in
52 interscholastic activities and events in accordance with the regulations adopted by
53 the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a

1 notice of intent of a homeschooled child to participate in programs and activities is
2 filed for the child with the school district in which the child resides for the current
3 school year pursuant to NRS 392.705.

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

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

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

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

27 386.463 No challenge may be brought by the Nevada Interscholastic
28 Activities Association, a school district, a public school or a private school, a parent
29 or guardian of a pupil enrolled in a public school or a private school, a pupil
30 enrolled in a public school or private school, or any other entity or person claiming
31 that an interscholastic activity or event is invalid because homeschooled children *or*
32 *opt-in children* are allowed to participate in the interscholastic activity or event.

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

34 386.464 A school district, public school or private school shall not prescribe
35 any regulations, rules, policies, procedures or requirements governing the:

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

39 2. Participation of homeschooled children *or opt-in children* in
40 interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive,
41 that are more restrictive than the provisions governing eligibility and
42 participation prescribed by the Nevada Interscholastic Activities Association
43 pursuant to NRS 386.430.

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

45 386.580 1. An application for enrollment in a charter school may be
46 submitted to the governing body of the charter school by the parent or legal
47 guardian of any child who resides in this State. Except as otherwise provided in this
48 subsection and subsection 2, a charter school shall enroll pupils who are eligible for
49 enrollment in the order in which the applications are received. If the board of
50 trustees of the school district in which the charter school is located has established
51 zones of attendance pursuant to NRS 388.040, the charter school shall, if
52 practicable, ensure that the racial composition of pupils enrolled in the charter
53 school does not differ by more than 10 percent from the racial composition of

1 pupils who attend public schools in the zone in which the charter school is located.
2 If a charter school is sponsored by the board of trustees of a school district located
3 in a county whose population is 100,000 or more, except for a program of distance
4 education provided by the charter school, the charter school shall enroll pupils who
5 are eligible for enrollment who reside in the school district in which the charter
6 school is located before enrolling pupils who reside outside the school district.
7 Except as otherwise provided in subsection 2, if more pupils who are eligible for
8 enrollment apply for enrollment in the charter school than the number of spaces
9 which are available, the charter school shall determine which applicants to enroll
10 pursuant to this subsection on the basis of a lottery system.

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

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

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

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

18 (1) Employed by the charter school;

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

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

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

23 (e) Resides within the school district and within 2 miles of the charter school if
24 the charter school is located in an area that the sponsor of the charter school
25 determines includes a high percentage of children who are at risk. If space is
26 available after the charter school enrolls pupils pursuant to this paragraph, the
27 charter school may enroll children who reside outside the school district but within
28 2 miles of the charter school if the charter school is located within an area that the
29 sponsor determines includes a high percentage of children who are at risk.

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

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

36 (a) Race;

37 (b) Gender;

38 (c) Religion;

39 (d) Ethnicity; or

40 (e) Disability,

41 ↪ of a pupil.

42 4. If the governing body of a charter school determines that the charter school
43 is unable to provide an appropriate special education program and related services
44 for a particular disability of a pupil who is enrolled in the charter school, the
45 governing body may request that the board of trustees of the school district of the
46 county in which the pupil resides transfer that pupil to an appropriate school.

47 5. Except as otherwise provided in this subsection, upon the request of a
48 parent or legal guardian of a child who is enrolled in a public school of a school
49 district or a private school, or a parent or legal guardian of a homeschooled child ~~+~~
50 or opt-in child, the governing body of the charter school shall authorize the child to
51 participate in a class that is not otherwise available to the child at his or her school ,
52 ~~+~~ homeschool or from his or her participating entity, as defined in section 5 of
53 this act, or participate in an extracurricular activity at the charter school if:

1 (a) Space for the child in the class or extracurricular activity is available;
2 (b) The parent or legal guardian demonstrates to the satisfaction of the
3 governing body that the child is qualified to participate in the class or
4 extracurricular activity; and

5 (c) The child is ~~+~~;

6 (1) A homeschooled child and a notice of intent of a homeschooled child to
7 participate in programs and activities is filed for the child with the school district in
8 which the child resides for the current school year pursuant to NRS 392.705 ~~+~~; or

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

12 ↪ If the governing body of a charter school authorizes a child to participate in a
13 class or extracurricular activity pursuant to this subsection, the governing body is
14 not required to provide transportation for the child to attend the class or activity. A
15 charter school shall not authorize such a child to participate in a class or activity
16 through a program of distance education provided by the charter school pursuant to
17 NRS 388.820 to 388.874, inclusive.

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

24 7. The governing body of a charter school may, before authorizing a
25 homeschooled child or opt-in child to participate in a class or extracurricular
26 activity pursuant to subsection 5, require proof of the identity of the child,
27 including, without limitation, the birth certificate of the child or other
28 documentation sufficient to establish the identity of the child.

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

31 (a) With disabilities;

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

36 (c) Who are at risk.

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

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

41 387.045 Except as otherwise provided in sections 2 to 15, inclusive, of this
42 act:

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

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

49 **Sec. 15.95. NRS 387.1233 is hereby amended to read as follows:**

50 387.1233 1. Except as otherwise provided in subsection 2, basic support of
51 each school district must be computed by:

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

1 (1) Six-tenths the count of pupils enrolled in the kindergarten department
2 on the last day of the first school month of the school district for the school year,
3 including, without limitation, the count of pupils who reside in the county and are
4 enrolled in any charter school on the last day of the first school month of the school
5 district for the school year.

6 (2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day
7 of the first school month of the school district for the school year, including,
8 without limitation, the count of pupils who reside in the county and are enrolled in
9 any charter school on the last day of the first school month of the school district for
10 the school year and the count of pupils who are enrolled in a university school for
11 profoundly gifted pupils located in the county.

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

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

17 (I) In a public school of the school district and are concurrently
18 enrolled part-time in a program of distance education provided by another school
19 district or a charter school or receiving a portion of his or her instruction from a
20 participating entity, as defined in section 5 of this act, on the last day of the first
21 school month of the school district for the school year, expressed as a percentage of
22 the total time services are provided to those pupils per school day in proportion to
23 the total time services are provided during a school day to pupils who are counted
24 pursuant to subparagraph (2).

25 (II) In a charter school and are concurrently enrolled part-time in a
26 program of distance education provided by a school district or another charter
27 school or receiving a portion of his or her instruction from a participating entity,
28 as defined in section 5 of this act, on the last day of the first school month of the
29 school district for the school year, expressed as a percentage of the total time
30 services are provided to those pupils per school day in proportion to the total time
31 services are provided during a school day to pupils who are counted pursuant to
32 subparagraph (2).

33 (5) The count of pupils not included under subparagraph (1), (2), (3) or (4),
34 who are receiving special education pursuant to the provisions of NRS 388.440 to
35 388.520, inclusive, on the last day of the first school month of the school district for
36 the school year, excluding the count of pupils who have not attained the age of 5
37 years and who are receiving special education pursuant to subsection 1 of NRS
38 388.475 on that day.

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

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

46 (8) The count of pupils who are enrolled in classes for at least one semester
47 pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or
48 subsection 3 of NRS 392.070, expressed as a percentage of the total time services
49 are provided to those pupils per school day in proportion to the total time services
50 are provided during a school day to pupils who are counted pursuant to
51 subparagraph (2).

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

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

2 2. Except as otherwise provided in subsection 4, if the enrollment of pupils in
3 a school district or a charter school that is located within the school district on the
4 last day of the first school month of the school district for the school year is less
5 than or equal to 95 percent of the enrollment of pupils in the same school district or
6 charter school on the last day of the first school month of the school district for the
7 immediately preceding school year, the largest number from among the
8 immediately preceding 2 school years must be used for purposes of apportioning
9 money from the State Distributive School Account to that school district or charter
10 school pursuant to NRS 387.124.

11 3. Except as otherwise provided in subsection 4, if the enrollment of pupils in
12 a school district or a charter school that is located within the school district on the
13 last day of the first school month of the school district for the school year is more
14 than 95 percent of the enrollment of pupils in the same school district or charter
15 school on the last day of the first school month of the school district for the
16 immediately preceding school year, the larger enrollment number from the current
17 year or the immediately preceding school year must be used for purposes of
18 apportioning money from the State Distributive School Account to that school
19 district or charter school pursuant to NRS 387.124.

20 4. If the Department determines that a school district or charter school
21 deliberately causes a decline in the enrollment of pupils in the school district or
22 charter school to receive a higher apportionment pursuant to subsection 2 or 3,
23 including, without limitation, by eliminating grades or moving into smaller
24 facilities, the enrollment number from the current school year must be used for
25 purposes of apportioning money from the State Distributive School Account to that
26 school district or charter school pursuant to NRS 387.124.

27 5. Pupils who are excused from attendance at examinations or have completed
28 their work in accordance with the rules of the board of trustees must be credited
29 with attendance during that period.

30 6. Pupils who are incarcerated in a facility or institution operated by the
31 Department of Corrections must not be counted for the purpose of computing basic
32 support pursuant to this section. The average daily attendance for such pupils must
33 be reported to the Department of Education.

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

37 **Sec. 16.** NRS 387.124 is hereby amended to read as follows:

38 387.124 Except as otherwise provided in this section and NRS 387.528:

39 1. On or before August 1, November 1, February 1 and May 1 of each year,
40 the Superintendent of Public Instruction shall apportion the State Distributive
41 School Account in the State General Fund among the several county school
42 districts, charter schools and university schools for profoundly gifted pupils in
43 amounts approximating one-fourth of their respective yearly apportionments less
44 any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244,
45 the apportionment to a school district, computed on a yearly basis, equals the
46 difference between the basic support and the local funds available pursuant to NRS
47 387.1235, minus all the funds attributable to pupils who reside in the county but
48 attend a charter school, all the funds attributable to pupils who reside in the county
49 and are enrolled full-time or part-time in a program of distance education provided
50 by another school district or a charter school, ~~and~~ all the funds attributable to
51 pupils who are enrolled in a university school for profoundly gifted pupils located
52 in the county ~~and~~ *and all the funds deposited in education savings accounts*
53 *established on behalf of children who reside in the county pursuant to sections 2*

1 *to 15, inclusive, of this act.* No apportionment may be made to a school district if
2 the amount of the local funds exceeds the amount of basic support.

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

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

25 4. Except as otherwise provided in NRS 387.1244, in addition to the
26 apportionments made pursuant to this section, an apportionment must be made to a
27 school district or charter school that provides a program of distance education for
28 each pupil who is enrolled part-time in the program. The amount of the
29 apportionment must be equal to the percentage of the total time services are
30 provided to the pupil through the program of distance education per school day in
31 proportion to the total time services are provided during a school day to pupils who
32 are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS
33 387.1233 for the school district in which the pupil resides.

34 5. The governing body of a charter school may submit a written request to the
35 Superintendent of Public Instruction to receive, in the first year of operation of the
36 charter school, an apportionment 30 days before the apportionment is required to be
37 made pursuant to subsection 1. Upon receipt of such a request, the Superintendent
38 of Public Instruction may make the apportionment 30 days before the
39 apportionment is required to be made. A charter school may receive all four
40 apportionments in advance in its first year of operation.

41 6. Except as otherwise provided in NRS 387.1244, the apportionment to a
42 university school for profoundly gifted pupils, computed on a yearly basis, is equal
43 to the sum of the basic support per pupil in the county in which the university
44 school is located plus the amount of local funds available per pupil pursuant to NRS
45 387.1235 and all other funds available for public schools in the county in which the
46 university school is located. If the apportionment per pupil to a university school
47 for profoundly gifted pupils is more than the amount to be apportioned to the school
48 district in which the university school is located, the school district shall pay the
49 difference directly to the university school. The governing body of a university
50 school for profoundly gifted pupils may submit a written request to the
51 Superintendent of Public Instruction to receive, in the first year of operation of the
52 university school, an apportionment 30 days before the apportionment is required to
53 be made pursuant to subsection 1. Upon receipt of such a request, the

1 Superintendent of Public Instruction may make the apportionment 30 days before
2 the apportionment is required to be made. A university school for profoundly gifted
3 pupils may receive all four apportionments in advance in its first year of operation.

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

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

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

19 388.850 1. A pupil may enroll in a program of distance education unless:

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

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

24 (c) The pupil fails to satisfy the requirements of the program of distance
25 education.

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

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

35 4. If a pupil who is prohibited from attending public school pursuant to NRS
36 392.264 enrolls in a program of distance education, the enrollment and attendance
37 of that pupil must comply with all requirements of NRS 62F.100 to 62F.150,
38 inclusive, and 392.251 to 392.271, inclusive.

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

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

44 **Sec. 16.4. 1. The parent of an opt-in child shall provide notice to the**
45 **school district where the child would otherwise attend that the child is an opt-in**
46 **child as soon as practicable after entering into an agreement to establish an**
47 **education savings account pursuant to section 7 of this act. Such notice must also**
48 **include:**

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

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

51 **2. The superintendent of schools of a school district shall accept a notice**
52 **provided pursuant to subsection 1 and shall not require any additional**
53 **assurances from the parent who filed the notice.**

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

6 4. The superintendent of schools of a school district shall process a written
7 request for a copy of the records of the school district, or any information
8 contained therein, relating to an opt-in child not later than 5 days after receiving
9 the request. The superintendent of schools may only release such records or
10 information:

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

14 (b) If required by specific statute.

15 5. If an opt-in child seeks admittance or entrance to any public school in
16 this State, the school may use only commonly used practices in determining the
17 academic ability, placement or eligibility of the child. If the child enrolls in a
18 charter school, the charter school shall, to the extent practicable, notify the board
19 of trustees of the resident school district of the child's enrollment in the charter
20 school. Regardless of whether the charter school provides such notification to the
21 board of trustees, the charter school may count the child who is enrolled for the
22 purposes of the calculation of basic support pursuant to NRS 387.1233. An opt-in
23 child seeking admittance to public high school must comply with NRS 392.033.

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

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

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

37 2. If an opt-in child wishes to participate in classes, activities, programs,
38 sports or interscholastic activities and events at a public school or through a
39 school district, or through the Nevada Interscholastic Activities Association, the
40 parent of the child must file a current notice of intent to participate with the
41 resident school district.

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

43 392.033 1. The State Board shall adopt regulations which prescribe the
44 courses of study required for promotion to high school, including, without
45 limitation, English, mathematics, science and social studies. The regulations may
46 include the credits to be earned in each course.

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

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

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

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

15 (a) Provide documentation sufficient to prove that the child has successfully
16 completed the courses of study required for promotion to high school through an
17 accredited program of homeschool study recognized by the board of trustees of the
18 school district, ~~H~~ or from a participating entity, as applicable;

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

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

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

27 Sec. 16.7. NRS 392.070 is hereby amended to read as follows:

28 392.070 1. Attendance of a child required by the provisions of NRS
29 392.040 must be excused when:

30 (a) The child is enrolled in a private school pursuant to chapter 394 of NRS;

31 ~~or~~
32 (b) A parent of the child chooses to provide education to the child and files a
33 notice of intent to homeschool the child with the superintendent of schools of the
34 school district in which the child resides in accordance with NRS 392.700; ~~H~~ or

35 (c) The child is an opt-in child and notice of such has been provided to the
36 school district in which the child resides in accordance with section 16.4 of this
37 act.

38 2. The board of trustees of each school district shall provide programs of
39 special education and related services for homeschooled children. The programs of
40 special education and related services required by this section must be made
41 available:

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

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

49 (c) In accordance with the same requirements set forth in 20 U.S.C. § 1412
50 which relate to the participation of pupils with disabilities who are enrolled in
51 private schools within the school district voluntarily by their parents or legal
52 guardians.

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

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

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

12 (c) If the child is ~~+~~ :

13 (1) A homeschooled child, a notice of intent of a homeschooled child to
14 participate in programs and activities is filed for the child with the school district
15 for the current school year pursuant to NRS 392.705 ~~+~~ ; or

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

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

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

34 5. In addition to those interscholastic activities and events governed by the
35 Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470,
36 inclusive, a homeschooled child or opt-in child must be allowed to participate in
37 interscholastic activities and events, including sports, if a notice of intent of a
38 homeschooled child or opt-in child to participate in programs and activities is filed
39 for the child with the school district for the current school year pursuant to NRS
40 392.705 ~~+~~ or section 16.5 of this act, as applicable. A homeschooled child or opt-
41 in child who participates in interscholastic activities and events at a public school
42 pursuant to this subsection must participate within the school district of the child's
43 residence through the public school which the child is otherwise zoned to attend.
44 Any rules or regulations that apply to pupils enrolled in public schools who
45 participate in interscholastic activities and events, including sports, apply in the
46 same manner to homeschooled children and opt-in children who participate in
47 interscholastic activities and events, including, without limitation, provisions
48 governing:

49 (a) Eligibility and qualifications for participation;

50 (b) Fees for participation;

51 (c) Insurance;

52 (d) Transportation;

53 (e) Requirements of physical examination;

- 1 (f) Responsibilities of participants;
2 (g) Schedules of events;
3 (h) Safety and welfare of participants;
4 (i) Eligibility for awards, trophies and medals;
5 (j) Conduct of behavior and performance of participants; and
6 (k) Disciplinary procedures.

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

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

14 (b) Neither the school district nor a public school may prescribe any
15 regulations, rules, policies, procedures or requirements governing the eligibility or
16 participation of the homeschooled child or opt-in child that are more restrictive
17 than the provisions governing the eligibility and participation of pupils enrolled in
18 public schools.

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

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

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

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

32 (c) Shall, before allowing a homeschooled child or opt-in child to participate
33 in interscholastic activities and events governed by the Nevada Interscholastic
34 Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and
35 interscholastic activities and events pursuant to subsection 5, require proof of the
36 identity of the child, including, without limitation, the birth certificate of the child
37 or other documentation sufficient to establish the identity of the child.

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

41 10. As used in this section, ~~“related”~~ :

42 (a) “Participating entity” has the meaning ascribed to it in section 5 of this
43 act.

44 (b) “Related services” has the meaning ascribed to it in 20 U.S.C. § 1401.

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

46 392.466 1. Except as otherwise provided in this section, any pupil who
47 commits a battery which results in the bodily injury of an employee of the school or
48 who sells or distributes any controlled substance while on the premises of any
49 public school, at an activity sponsored by a public school or on any school bus
50 must, for the first occurrence, be suspended or expelled from that school, although
51 the pupil may be placed in another kind of school, for at least a period equal to one
52 semester for that school. For a second occurrence, the pupil must be permanently
53 expelled from that school and:

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

3 (b) Enroll in a program of independent study provided pursuant to NRS
4 389.155 for pupils who have been suspended or expelled from public school or a
5 program of distance education provided pursuant to NRS 388.820 to 388.874,
6 inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in
7 accordance with the requirements of the applicable program.

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

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

17 (b) Enroll in a program of independent study provided pursuant to NRS
18 389.155 for pupils who have been suspended or expelled from public school or a
19 program of distance education provided pursuant to NRS 388.820 to 388.874,
20 inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in
21 accordance with the requirements of the applicable program.

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

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

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

31 (b) Enroll in a program of independent study provided pursuant to NRS
32 389.155 for pupils who have been suspended or expelled from public school or a
33 program of distance education provided pursuant to NRS 388.820 to 388.874,
34 inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in
35 accordance with the requirements of the applicable program.

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

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

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

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

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

6 7. As used in this section:

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

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

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

18 8. The provisions of this section do not prohibit a pupil who is suspended or
19 expelled from enrolling in a charter school that is designed exclusively for the
20 enrollment of pupils with disciplinary problems if the pupil is accepted for
21 enrollment by the charter school pursuant to NRS 386.580. Upon request, the
22 governing body of a charter school must be provided with access to the records of
23 the pupil relating to the pupil's suspension or expulsion in accordance with
24 applicable federal and state law before the governing body makes a decision
25 concerning the enrollment of the pupil.

26 **Sec. 17.** This act becomes effective on July 1, 2015.