

## SENATE BILL NO. 302—SENATOR HAMMOND

MARCH 16, 2015

Referred to Committee on Education

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

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

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

**AN ACT** relating to education; establishing a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to the statewide average basic support per-pupil; 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:**

1 Existing law requires each child between the ages of 7 and 18 years to attend a  
2 public school of the State, attend a private school or be homeschooled. (NRS  
3 392.040, 392.070) Existing law also provides for each school district to receive  
4 certain funding from local sources and to receive from the State an apportionment  
5 per pupil of basic support for the schools in the school district. (NRS 387.1235,  
6 387.124) This bill establishes a program by which a child enrolled in a private  
7 school may receive a grant of money in an amount equal to 90 percent, or, if the  
8 child is a pupil with a disability or has a household income that is less than 185  
9 percent of the federally designated level signifying poverty, 100 percent, of the  
10 statewide average basic support per pupil. **Sections 7 and 8** of this bill allow a  
11 child to enroll part-time in a public school while receiving part of his or her  
12 instruction from an entity that participates in the program to receive a partial grant.  
13 Money from the grant may be used only for specified purposes.



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

22 If such an agreement is entered into, an education savings account must be  
23 opened by the parent on behalf of the child. Under **section 8** of this bill, for any  
24 school year for which the agreement is entered into or renewed, the State Treasurer  
25 must deposit the amount of the grant into the education savings account. Under  
26 **section 16** of this bill, the amount of the grant must be deducted from the total  
27 apportionment to the resident school district of the child on whose behalf the grant  
28 is made. **Section 8** provides that the State Treasurer may deduct from the amount of  
29 the grant not more than 3 percent for the administrative costs of implementing the  
30 provisions of this bill.

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

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

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

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

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

63 Existing law requires the parent of a homeschooled child who wishes to  
64 participate in activities at a public school, including a charter school, through a  
65 school district or through the Nevada Interscholastic Activities Association to file a  
66 notice of intent to participate with the school district in which the child resides.  
67 (NRS 386.430, 386.580, 392.705) **Section 16.5** of this bill enacts similar  
68 requirements for the parents of an opt-in child who wishes to participate with the



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69 school district. **Sections 15.2 and 15.3** of this bill authorize an opt-in child to  
 70 participate in the Nevada Youth Legislature. **Sections 15.4-15.8 and 16.7** of this  
 71 bill authorize an opt-in child to participate in activities at a public school, through a  
 72 school district or through the Nevada Interscholastic Activities Association if the  
 73 parent files a notice of intent to participate. **Section 16.6** of this bill requires an opt-  
 74 in child who wishes to enroll in a public high school to provide proof  
 75 demonstrating competency in courses required for promotion to high school similar  
 76 to that required of a homeschooled child who wishes to enroll in a public high  
 77 school.

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

83 Existing law requires children who are suspended or expelled from a public  
 84 school for certain reasons to enroll in a private school or program of independent  
 85 study or be homeschooled. (NRS 392.466) **Section 16.8** of this bill authorizes such  
 86 a child to be an 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  
 2 thereto the provisions set forth as sections 2 to 15, inclusive, of this  
 3 act.

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

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

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

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

13 2. *Any other college or university that:*

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

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

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

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

23 **Sec. 5.** *“Participating entity” means a private school that is*  
 24 *licensed pursuant to chapter 394 of NRS or exempt from such*  
 25 *licensing pursuant to NRS 394.211, an eligible institution, a*



1 *program of distance education that is not offered by a public*  
2 *school or the Department, a tutor or tutoring agency or a parent*  
3 *that has provided to the State Treasurer the application described*  
4 *in subsection 1 of section 11 of this act.*

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

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

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

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

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

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

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

30 **2.** *If an agreement is entered into pursuant to subsection 1,*  
31 *an education savings account must be established by the parent on*  
32 *behalf of the child. The account must be maintained with a*  
33 *financial management firm qualified by the State Treasurer*  
34 *pursuant to section 10 of this act.*

35 **3.** *The failure to enter into an agreement pursuant to*  
36 *subsection 1 for any school year for which a child is required by*  
37 *NRS 392.040 to attend a public school does not preclude the*  
38 *parent of the child from entering into an agreement for a*  
39 *subsequent school year.*

40 **4.** *An agreement entered into pursuant to subsection 1 is*  
41 *valid for 1 school year but may be terminated early. If the*  
42 *agreement is terminated early, the child may not receive*  
43 *instruction from a public school in this State until the end of the*  
44 *period for which the last deposit was made into the education*  
45 *savings account pursuant to section 8 of this act, except to the*



1 *extent the pupil was allowed to receive instruction from a public*  
2 *school under the agreement.*

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

7 *6. An agreement may be renewed for any school year for*  
8 *which the child is required by NRS 392.040 to attend a public*  
9 *school. The failure to renew an agreement for any school year*  
10 *does not preclude the parent of the child from renewing the*  
11 *agreement for any subsequent school year.*

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

15 *8. Except as otherwise provided in subsection 10, the State*  
16 *Treasurer shall enter into or renew an agreement pursuant to this*  
17 *section with any parent of a child required by NRS 392.040 to*  
18 *attend a public school who applies to the State Treasurer in the*  
19 *manner provided by the State Treasurer. The State Treasurer shall*  
20 *make the application available on the Internet website of the State*  
21 *Treasurer.*

22 *9. Upon entering into or renewing an agreement pursuant to*  
23 *this section, the State Treasurer shall provide to the parent who*  
24 *enters into or renews the agreement a written explanation of the*  
25 *authorized uses, pursuant to section 9 of this act, of the money in*  
26 *an education savings account and the responsibilities of the parent*  
27 *and the State Treasurer pursuant to the agreement and sections 2*  
28 *to 15, inclusive, of this act.*

29 *10. A parent may not establish an education savings account*  
30 *for a child who will be homeschooled, who will receive instruction*  
31 *outside this State or who will remain enrolled full-time in a public*  
32 *school, regardless of whether such a child receives instruction*  
33 *from a participating entity. A parent may establish an education*  
34 *savings account for a child who receives a portion of his or her*  
35 *instruction from a public school and a portion of his or her*  
36 *instruction from a participating entity.*

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

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

44 *(a) For a child who is a pupil with a disability, as defined in*  
45 *NRS 388.440, or a child with a household income that is less than*



1 185 percent of the federally designated level signifying poverty,  
2 100 percent of the statewide average basic support per pupil; and

3 (b) For all other children, 90 percent of the statewide average  
4 basic support per pupil.

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

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

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

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

19 (a) At the end of a school year may be carried forward to the  
20 next school year if the agreement entered into pursuant to section  
21 7 of this act is renewed.

22 (b) When an agreement entered into pursuant to section 7 of  
23 this act is not renewed or is terminated, because the child for  
24 whom the account was established graduates from high school or  
25 for any other reason, reverts to the State General Fund at the end  
26 of the last day of the agreement.

27 **Sec. 9. 1. Money deposited in an education savings account  
28 must be used only to pay for:**

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

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

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

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

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

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

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



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

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

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

9        *(k) Purchasing a curriculum or any supplemental materials*  
10 *required to administer the curriculum.*

11        *2. A participating entity that receives a payment authorized by*  
12 *subsection 1 shall not:*

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

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

18        *3. A parent who receives a refund pursuant to subsection 2*  
19 *shall deposit the refund in the education savings account from*  
20 *which the money refunded was paid.*

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

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

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

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

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

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

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



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

3 (b) *An eligible institution;*

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

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

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

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

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

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

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

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

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

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

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

40 6. *If the State Treasurer takes an action described in*  
41 *subsection 5 against an entity described in subsection 1, the State*  
42 *Treasurer shall provide immediate notice of the action to each*  
43 *parent of a child receiving instruction from the entity who has*  
44 *entered into or renewed an agreement pursuant to section 7 of this*





1 *act and on behalf of whose child a grant of money has been*  
2 *deposited pursuant to section 8 of this act.*

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

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

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

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

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

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

20 2. *The Department shall:*

21 (a) *Aggregate the examination results provided pursuant to*  
22 *subsection 1 according to the grade level, gender, race and family*  
23 *income level of each child whose examination results are*  
24 *provided; and*

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

28 (1) *The aggregated results and any associated learning*  
29 *gains; and*

30 (2) *After 3 school years for which examination data has*  
31 *been collected, the graduation rates, as applicable, of children*  
32 *whose examination results are provided.*

33 3. *The State Treasurer shall administer an annual survey of*  
34 *parents who enter into or renew an agreement pursuant to section*  
35 *7 of this act. The survey must ask each parent to indicate the*  
36 *number of years the parent has entered into or renewed such an*  
37 *agreement and to express:*

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

41 (b) *The opinions of the parent regarding any topics, items or*  
42 *issues that the State Treasurer determines may aid the State*  
43 *Treasurer in evaluating and improving the effectiveness of the*  
44 *grant program established pursuant to sections 2 to 15, inclusive,*  
45 *of this act.*



1     **4. The Department may arrange for a third-party**  
2 **organization to perform the duties of the Department prescribed**  
3 **by this section.**

4     **Sec. 13. 1. The State Treasurer shall annually make**  
5 **available a list of participating entities, other than any parent of a**  
6 **child.**

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

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

18     **Sec. 15. The State Treasurer shall adopt any regulations**  
19 **necessary or convenient to carry out the provisions of sections 2 to**  
20 **15, inclusive, of this act.**

21     **Sec. 15.1.** NRS 385.007 is hereby amended to read as follows:  
22 385.007 As used in this title, unless the context otherwise  
23 requires:

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

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

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

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

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

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

43 ~~6~~ 7. "State Board" means the State Board of Education.

44 ~~7~~ 8. "University school for profoundly gifted pupils" has the  
45 meaning ascribed to it in NRS 392A.040.



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

2       385.525 1. To be eligible to serve on the Youth Legislature, a  
3 person:

4       (a) Must be:

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

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

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

12       (b) Except as otherwise provided in subsection 3 of NRS  
13 385.535, must be:

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

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

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

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

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

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



1       **Sec. 15.3.** NRS 385.535 is hereby amended to read as follows:  
2       385.535 1. A position on the Youth Legislature becomes  
3 vacant upon:

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

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

6           (1) Two meetings of the Youth Legislature, including,  
7 without limitation, meetings conducted in person, meetings  
8 conducted by teleconference, meetings conducted by  
9 videoconference and meetings conducted by other electronic means;

10          (2) Two activities of the Youth Legislature;

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

12          (4) Any combination of absences from meetings, activities or  
13 event days of the Youth Legislature, if the combination of absences  
14 therefrom equals two or more,

15       ↳ unless the absences are, as applicable, excused by the Chair or  
16 Vice Chair of the Board.

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

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

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

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

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

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

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

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

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

44       4. As used in this section, “event day” means any single  
45 calendar day on which an official, scheduled event of the Youth



1 Legislature is held, including, without limitation, a course of  
2 instruction, a course of orientation, a meeting, a seminar or any  
3 other official, scheduled activity.

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

5 386.430 1. The Nevada Interscholastic Activities Association  
6 shall adopt rules and regulations in the manner provided for state  
7 agencies by chapter 233B of NRS as may be necessary to carry out  
8 the provisions of NRS 386.420 to 386.470, inclusive. The  
9 regulations must include provisions governing the eligibility and  
10 participation of homeschooled children *and opt-in children*  
11 interscholastic activities and events. In addition to the regulations  
12 governing eligibility ~~to~~:

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

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

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

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

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

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

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

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



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

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

5 386.462 1. A homeschooled child must be allowed to  
6 participate in interscholastic activities and events in accordance with  
7 the regulations adopted by the Nevada Interscholastic Activities  
8 Association pursuant to NRS 386.430 if a notice of intent of a  
9 homeschooled child to participate in programs and activities is filed  
10 for the child with the school district in which the child resides for  
11 the current school year pursuant to NRS 392.705.

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

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

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

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

37 386.463 No challenge may be brought by the Nevada  
38 Interscholastic Activities Association, a school district, a public  
39 school or a private school, a parent or guardian of a pupil enrolled in  
40 a public school or a private school, a pupil enrolled in a public  
41 school or private school, or any other entity or person claiming that  
42 an interscholastic activity or event is invalid because homeschooled  
43 children *or opt-in children* are allowed to participate in the  
44 interscholastic activity or event.



1       **Sec. 15.7.** NRS 386.464 is hereby amended to read as follows:  
2       386.464 A school district, public school or private school shall  
3 not prescribe any regulations, rules, policies, procedures or  
4 requirements governing the:

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

8       2. Participation of homeschooled children *or opt-in children* in  
9 interscholastic activities and events pursuant to NRS 386.420 to  
10 386.470, inclusive,

11       ↳ that are more restrictive than the provisions governing eligibility  
12 and participation prescribed by the Nevada Interscholastic Activities  
13 Association pursuant to NRS 386.430.

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

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

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

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

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



- 1 (c) Is a child of a person who is:  
2 (1) Employed by the charter school;  
3 (2) A member of the committee to form the charter school; or  
4 (3) A member of the governing body of the charter school;  
5 (d) Is in a particular category of at-risk pupils and the child  
6 meets the eligibility for enrollment prescribed by the charter school  
7 for that particular category; or  
8 (e) Resides within the school district and within 2 miles of the  
9 charter school if the charter school is located in an area that the  
10 sponsor of the charter school determines includes a high percentage  
11 of children who are at risk. If space is available after the charter  
12 school enrolls pupils pursuant to this paragraph, the charter school  
13 may enroll children who reside outside the school district but within  
14 2 miles of the charter school if the charter school is located within  
15 an area that the sponsor determines includes a high percentage of  
16 children who are at risk.  
17 ↪ If more pupils described in this subsection who are eligible apply  
18 for enrollment than the number of spaces available, the charter  
19 school shall determine which applicants to enroll pursuant to this  
20 subsection on the basis of a lottery system.
- 21 3. Except as otherwise provided in subsection 8, a charter  
22 school shall not accept applications for enrollment in the charter  
23 school or otherwise discriminate based on the:  
24 (a) Race;  
25 (b) Gender;  
26 (c) Religion;  
27 (d) Ethnicity; or  
28 (e) Disability,  
29 ↪ of a pupil.
- 30 4. If the governing body of a charter school determines that the  
31 charter school is unable to provide an appropriate special education  
32 program and related services for a particular disability of a pupil  
33 who is enrolled in the charter school, the governing body may  
34 request that the board of trustees of the school district of the county  
35 in which the pupil resides transfer that pupil to an appropriate  
36 school.
- 37 5. Except as otherwise provided in this subsection, upon the  
38 request of a parent or legal guardian of a child who is enrolled in a  
39 public school of a school district or a private school, or a parent or  
40 legal guardian of a homeschooled child ~~H~~ *or opt-in child*, the  
41 governing body of the charter school shall authorize the child to  
42 participate in a class that is not otherwise available to the child at his  
43 or her school, ~~to~~ *homeschool or from his or her participating*  
44 *entity, as defined in section 5 of this act*, or participate in an  
45 extracurricular activity at the charter school if:





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

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

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

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

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

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

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

30 7. The governing body of a charter school may, before  
31 authorizing a homeschooled child *or opt-in child* to participate in a  
32 class or extracurricular activity pursuant to subsection 5, require  
33 proof of the identity of the child, including, without limitation, the  
34 birth certificate of the child or other documentation sufficient to  
35 establish the identity of the child.

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

39 (a) With disabilities;

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

44 (c) Who are at risk.



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

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

6 387.045 *Except as otherwise provided in sections 2 to 15,*  
7 *inclusive, of this act:*

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

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

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

16 387.1233 1. Except as otherwise provided in subsection 2,  
17 basic support of each school district must be computed by:

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

20 (1) Six-tenths the count of pupils enrolled in the kindergarten  
21 department on the last day of the first school month of the school  
22 district for the school year, including, without limitation, the count  
23 of pupils who reside in the county and are enrolled in any charter  
24 school on the last day of the first school month of the school district  
25 for the school year.

26 (2) The count of pupils enrolled in grades 1 to 12, inclusive,  
27 on the last day of the first school month of the school district for the  
28 school year, including, without limitation, the count of pupils who  
29 reside in the county and are enrolled in any charter school on the last  
30 day of the first school month of the school district for the school  
31 year and the count of pupils who are enrolled in a university school  
32 for profoundly gifted pupils located in the county.

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

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

40 (I) In a public school of the school district and are  
41 concurrently enrolled part-time in a program of distance education  
42 provided by another school district or a charter school *or receiving a*  
43 *portion of his or her instruction from a participating entity, as*  
44 *defined in section 5 of this act,* on the last day of the first school  
45 month of the school district for the school year, expressed as a



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

5 (II) In a charter school and are concurrently enrolled part-  
6 time in a program of distance education provided by a school district  
7 or another charter school *or receiving a portion of his or her*  
8 *instruction from a participating entity, as defined in section 5 of*  
9 *this act*, on the last day of the first school month of the school  
10 district for the school year, expressed as a percentage of the total  
11 time services are provided to those pupils per school day in  
12 proportion to the total time services are provided during a school  
13 day to pupils who are counted pursuant to subparagraph (2).

14 (5) The count of pupils not included under subparagraph (1),  
15 (2), (3) or (4), who are receiving special education pursuant to the  
16 provisions of NRS 388.440 to 388.520, inclusive, on the last day of  
17 the first school month of the school district for the school year,  
18 excluding the count of pupils who have not attained the age of 5  
19 years and who are receiving special education pursuant to  
20 subsection 1 of NRS 388.475 on that day.

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

25 (7) The count of children detained in facilities for the  
26 detention of children, alternative programs and juvenile forestry  
27 camps receiving instruction pursuant to the provisions of NRS  
28 388.550, 388.560 and 388.570 on the last day of the first school  
29 month of the school district for the school year.

30 (8) The count of pupils who are enrolled in classes for at  
31 least one semester pursuant to subsection 5 of NRS 386.560,  
32 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,  
33 expressed as a percentage of the total time services are provided to  
34 those pupils per school day in proportion to the total time services  
35 are provided during a school day to pupils who are counted pursuant  
36 to subparagraph (2).

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

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

41 2. Except as otherwise provided in subsection 4, if the  
42 enrollment of pupils in a school district or a charter school that is  
43 located within the school district on the last day of the first school  
44 month of the school district for the school year is less than or equal  
45 to 95 percent of the enrollment of pupils in the same school district



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

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

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

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

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

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

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

40 387.124 Except as otherwise provided in this section and  
41 NRS 387.528:

42 1. On or before August 1, November 1, February 1 and May 1  
43 of each year, the Superintendent of Public Instruction shall  
44 apportion the State Distributive School Account in the State General  
45 Fund among the several county school districts, charter schools and



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

18 2. Except as otherwise provided in subsection 3 and NRS  
19 387.1244, the apportionment to a charter school, computed on a  
20 yearly basis, is equal to the sum of the basic support per pupil in the  
21 county in which the pupil resides plus the amount of local funds  
22 available per pupil pursuant to NRS 387.1235 and all other funds  
23 available for public schools in the county in which the pupil resides  
24 minus the sponsorship fee prescribed by NRS 386.570 and minus all  
25 the funds attributable to pupils who are enrolled in the charter  
26 school but are concurrently enrolled part-time in a program of  
27 distance education provided by a school district or another charter  
28 school. If the apportionment per pupil to a charter school is more  
29 than the amount to be apportioned to the school district in which a  
30 pupil who is enrolled in the charter school resides, the school district  
31 in which the pupil resides shall pay the difference directly to the  
32 charter school.

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



1 4. Except as otherwise provided in NRS 387.1244, in addition  
2 to the apportionments made pursuant to this section, an  
3 apportionment must be made to a school district or charter school  
4 that provides a program of distance education for each pupil who is  
5 enrolled part-time in the program. The amount of the apportionment  
6 must be equal to the percentage of the total time services are  
7 provided to the pupil through the program of distance education per  
8 school day in proportion to the total time services are provided  
9 during a school day to pupils who are counted pursuant to  
10 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233  
11 for the school district in which the pupil resides.

12 5. The governing body of a charter school may submit a  
13 written request to the Superintendent of Public Instruction to  
14 receive, in the first year of operation of the charter school, an  
15 apportionment 30 days before the apportionment is required to be  
16 made pursuant to subsection 1. Upon receipt of such a request, the  
17 Superintendent of Public Instruction may make the apportionment  
18 30 days before the apportionment is required to be made. A charter  
19 school may receive all four apportionments in advance in its first  
20 year of operation.

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

41 7. The Superintendent of Public Instruction shall apportion, on  
42 or before August 1 of each year, the money designated as the  
43 "Nutrition State Match" pursuant to NRS 387.105 to those school  
44 districts that participate in the National School Lunch Program, 42  
45 U.S.C. §§ 1751 et seq. The apportionment to a school district must



1 be directly related to the district's reimbursements for the Program  
2 as compared with the total amount of reimbursements for all school  
3 districts in this State that participate in the Program.

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

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

14 388.850 1. A pupil may enroll in a program of distance  
15 education unless:

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

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

21 (c) The pupil fails to satisfy the requirements of the program of  
22 distance education.

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

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

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

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

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



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

- 8 (a) *The full name, age and gender of the child; and*
- 9 (b) *The name and address of each parent of the child.*

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

14 3. *The school district or the charter school, as applicable,*  
15 *shall provide to a parent who files a notice pursuant to subsection*  
16 *1, a written acknowledgement which clearly indicates that the*  
17 *parent has provided the notification required by law and that the*  
18 *child is an opt-in child. The written acknowledgment shall be*  
19 *deemed proof of compliance with Nevada's compulsory school*  
20 *attendance law.*

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

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

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

36 (c) *If required by specific statute.*

37 5. *If an opt-in child seeks admittance or entrance to any*  
38 *public school in this State, the school may use only commonly*  
39 *used practices in determining the academic ability, placement or*  
40 *eligibility of the child. If the child enrolls in a charter school, the*  
41 *charter school shall, to the extent practicable, notify the board of*  
42 *trustees of the resident school district of the child's enrollment in*  
43 *the charter school. Regardless of whether the charter school*  
44 *provides such notification to the board of trustees, the charter*  
45 *school may count the child who is enrolled for the purposes of the*





1 *calculation of basic support pursuant to NRS 387.1233. An opt-in*  
2 *child seeking admittance to public high school must comply with*  
3 *NRS 392.033.*

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

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

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

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

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

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

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

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

43 4. The board of trustees of each school district shall adopt a  
44 policy that allows a pupil who has not completed the courses of  
45 study or credits required for promotion to high school to be placed



1 on academic probation and to enroll in high school. A pupil who is  
2 on academic probation pursuant to this subsection shall complete  
3 appropriate remediation in the subject areas that the pupil failed to  
4 pass. The policy must include the criteria for eligibility of a pupil to  
5 be placed on academic probation. A parent or guardian may elect  
6 not to place his or her child on academic probation but to remain in  
7 grade 8.

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

10 (a) Provide documentation sufficient to prove that the child has  
11 successfully completed the courses of study required for promotion  
12 to high school through an accredited program of homeschool study  
13 recognized by the board of trustees of the school district ~~†~~ *or from*  
14 *a participating entity, as applicable;*

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

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

21 *6. As used in this section, “participating entity” has the*  
22 *meaning ascribed to it in section 5 of this act.*

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

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

26 (a) The child is enrolled in a private school pursuant to chapter  
27 394 of NRS; ~~††~~

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

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

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

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

43 (b) In the same manner that the board of trustees provides, as  
44 required by 20 U.S.C. § 1412, for 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; and

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

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

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

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

20 (c) If the child is ~~††~~:

21 (1) **A** homeschooled child, a notice of intent of a  
22 homeschooled child to participate in programs and activities is filed  
23 for the child with the school district for the current school year  
24 pursuant to NRS 392.705 ~~††~~; **or**

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

29 ↪ If the board of trustees of a school district authorizes a child to  
30 participate in a class or extracurricular activity, excluding sports,  
31 pursuant to this subsection, the board of trustees is not required to  
32 provide transportation for the child to attend the class or activity. A  
33 homeschooled child **or opt-in child** must be allowed to participate in  
34 interscholastic activities and events governed by the Nevada  
35 Interscholastic Activities Association pursuant to NRS 386.420 to  
36 386.470, inclusive, and interscholastic activities and events,  
37 including sports, pursuant to subsection 5.

38 4. The board of trustees of a school district may revoke its  
39 approval for a pupil to participate in a class or extracurricular  
40 activity at a public school pursuant to subsection 3 if the board of  
41 trustees or the public school determines that the pupil has failed to  
42 comply with applicable statutes, or applicable rules and regulations  
43 of the board of trustees. If the board of trustees revokes its approval,  
44 neither the board of trustees nor the public school is liable for any  
45 damages relating to the denial of services to the pupil.



1 5. In addition to those interscholastic activities and events  
2 governed by the Nevada Interscholastic Activities Association  
3 pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled  
4 child *or opt-in child* must be allowed to participate in interscholastic  
5 activities and events, including sports, if a notice of intent of a  
6 homeschooled child *or opt-in child* to participate in programs and  
7 activities is filed for the child with the school district for the current  
8 school year pursuant to NRS 392.705 ~~H~~ *or section 16.5 of this act,*  
9 *as applicable.* A homeschooled child *or opt-in child* who  
10 participates in interscholastic activities and events at a public school  
11 pursuant to this subsection must participate within the school district  
12 of the child's residence through the public school which the child is  
13 otherwise zoned to attend. Any rules or regulations that apply to  
14 pupils enrolled in public schools who participate in interscholastic  
15 activities and events, including sports, apply in the same manner to  
16 homeschooled children *and opt-in children* who participate in  
17 interscholastic activities and events, including, without limitation,  
18 provisions governing:

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

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

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

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



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

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

5 (a) May, before providing programs of special education and  
6 related services to a homeschooled child *or opt-in child* pursuant to  
7 subsection 2, 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 (b) May, before authorizing a homeschooled child *or opt-in*  
11 *child* to participate in a class or extracurricular activity, excluding  
12 sports, pursuant to subsection 3, require proof of the identity of the  
13 child, including, without limitation, the birth certificate of the child  
14 or other documentation sufficient to establish the identity of the  
15 child.

16 (c) Shall, before allowing a homeschooled child *or opt-in child*  
17 to participate in interscholastic activities and events governed  
18 by the Nevada Interscholastic Activities Association pursuant to  
19 NRS 386.420 to 386.470, inclusive, and interscholastic activities  
20 and events pursuant to subsection 5, require proof of the identity of  
21 the child, including, without limitation, the birth certificate of the  
22 child or other documentation sufficient to establish the identity of  
23 the child.

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

28 10. As used in this section ~~f, "related"~~ :

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

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

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

34 392.466 1. Except as otherwise provided in this section, any  
35 pupil who commits a battery which results in the bodily injury of an  
36 employee of the school or who sells or distributes any controlled  
37 substance while on the premises of any public school, at an activity  
38 sponsored by a public school or on any school bus must, for the first  
39 occurrence, be suspended or expelled from that school, although the  
40 pupil may be placed in another kind of school, for at least a period  
41 equal to one semester for that school. For a second occurrence, the  
42 pupil must be permanently expelled from that school and:

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



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

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

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

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

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

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

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

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

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



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

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

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

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

23 7. As used in this section:

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

26 (b) "Dangerous weapon" includes, without limitation, a  
27 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk  
28 or dagger, a nunchaku, switchblade knife or trefoil, as defined in  
29 NRS 202.350, a butterfly knife or any other knife described in NRS  
30 202.350, or any other object which is used, or threatened to be used,  
31 in such a manner and under such circumstances as to pose a threat  
32 of, or cause, bodily injury to a person.

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

37 8. The provisions of this section do not prohibit a pupil who is  
38 suspended or expelled from enrolling in a charter school that is  
39 designed exclusively for the enrollment of pupils with disciplinary  
40 problems if the pupil is accepted for enrollment by the charter  
41 school pursuant to NRS 386.580. Upon request, the governing body  
42 of a charter school must be provided with access to the records of  
43 the pupil relating to the pupil's suspension or expulsion in  
44 accordance with applicable federal and state law before the



1 governing body makes a decision concerning the enrollment of the  
2 pupil.

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

4 1. July 1, 2015, for the purposes of adopting any regulations  
5 and performing any other preparatory administrative tasks necessary  
6 to carry out the provisions of this act; and

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

