

ASSEMBLY BILL NO. 497—ASSEMBLYWOMAN BILBRAY-AXELROD

MAY 10, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-706)

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

CONTAINS UNFUNDED MANDATE (§ 2) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) authorizes the board of trustees of certain school districts to  
2 zone the school district and determine which pupils must attend each school; and  
3 (2) allows pupils to attend certain schools despite the zoning decision of the board  
4 of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a  
5 pupil to attend a public school outside the zone of attendance in which the pupil is  
6 otherwise required to attend if the public school is not at capacity in the grade or  
7 classes required by the pupil. **Section 2** additionally requires the superintendent of  
8 each school district to establish an application process to enable such transfers of  
9 pupils between public schools. **Section 1** of this bill authorizes the board of trustees  
10 of a school district that furnishes transportation to pupils to elect not to provide  
11 transportation to a pupil who attends a public school outside of his or her zone of  
12 attendance pursuant to **section 2**.

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

1 **Section 1.** NRS 386.790 is hereby amended to read as follows:  
2 386.790 1. As provided in this title, the board of trustees of  
3 any school district may furnish transportation for all resident  
4 children of school age in the school district attending a public



1 school, including pupils assigned to special schools or programs  
2 pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to  
3 388.5267, inclusive:

4 (a) Who are not excused from school attendance by the  
5 provisions of this title; and

6 (b) Who reside within the school district at such a distance from  
7 the school as to make transportation necessary and desirable.

8 2. When the board of trustees of a school district whose  
9 population is less than 100,000 furnishes transportation for pupils  
10 attending public schools pursuant to subsection 1, the board may  
11 also provide transportation for all resident children of school age in  
12 the school district attending private schools not operated for profit,  
13 over bus routes established for pupils attending public schools. If  
14 such transportation is provided, the pupils attending such private  
15 schools must be transported, if space is available, to and from the  
16 points on the established routes nearest to the schools which they  
17 attend.

18 3. The board of trustees of any school district may:

19 (a) Establish bus routes.

20 (b) Make regulations governing the conduct of pupils while  
21 being transported.

22 (c) For the safety of pupils being transported, govern the  
23 conduct of drivers by making and enforcing regulations not  
24 inconsistent with regulations of the State Board of Education or with  
25 law.

26 *4. The board of trustees of a school district that furnishes*  
27 *transportation pursuant to this section may elect not to provide*  
28 *transportation to pupils who attend a public school outside the*  
29 *zone of attendance that the pupil is otherwise required to attend*  
30 *pursuant to paragraph (f) of subsection 2 of NRS 388.040.*

31 **Sec. 2.** NRS 388.040 is hereby amended to read as follows:

32 388.040 1. Except as otherwise provided in subsection 2, the  
33 board of trustees of a school district that includes more than one  
34 school which offers instruction in the same grade or grades may  
35 zone the school district and determine which pupils must attend  
36 each school.

37 2. The establishment of zones pursuant to subsection 1 does  
38 not preclude a pupil from attending a:

39 (a) Charter school;

40 (b) University school for profoundly gifted pupils;

41 (c) Public school outside the zone of attendance that the pupil is  
42 otherwise required to attend if the pupil is a child in foster care who  
43 is remaining in his or her school of origin pursuant to  
44 NRS 388E.105;



1 (d) Public school outside the zone of attendance that the pupil is  
2 otherwise required to attend if the pupil has been issued a fictitious  
3 address pursuant to NRS 217.462 to 217.471, inclusive, or the  
4 parent or legal guardian with whom the pupil resides has been  
5 issued a fictitious address pursuant to NRS 217.462 to 217.471,  
6 inclusive; ~~for~~

7 (e) Public school outside the zone of attendance that the pupil is  
8 otherwise required to attend if the pupil is an English learner  
9 enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~H~~ ;  
10 *or*

11 *(f) Public school outside the zone of attendance that the pupil*  
12 *is otherwise required to attend if the public school is not at*  
13 *capacity in the grade or classes required by the pupil.*

14 3. *The superintendent of each school district shall:*

15 *(a) Establish an application process for a pupil to attend a*  
16 *public school outside the zone of attendance that the pupil is*  
17 *otherwise required to attend pursuant to paragraph (f) of*  
18 *subsection 2. Such a process must:*

19 *(1) Include a deadline by which an application must be*  
20 *submitted each school year;*

21 *(2) Provide for the notification of pupils and principals*  
22 *when an application is approved; and*

23 *(3) Require an application only if a pupil wishes to attend a*  
24 *public school outside the zone of attendance of the pupil.*

25 *(b) Establish capacity limits for each grade level and class*  
26 *within each public school in the school district.*

27 *(c) Publish, in coordination with the Department, the capacity*  
28 *limits established by paragraph (b).*

29 *(d) Establish a method to determine which pupils to enroll in*  
30 *any grade level and class within a public school for which*  
31 *applications exceed the capacity limits established by paragraph*  
32 *(b) which may include, without limitation, a lottery system.*

33 *(e) Allow a pupil whose application to attend a public school*  
34 *outside the zone of attendance that the pupil is otherwise required*  
35 *to attend is approved to permanently transfer to that public school*  
36 *without requiring an additional application in any subsequent*  
37 *school year.*

38 4. *The application process established pursuant to paragraph*  
39 *(a) of subsection 3 must not consider any of the following factors*  
40 *in determining whether to approve an application:*

41 *(a) The academic, artistic or athletic ability of a pupil;*

42 *(b) The participation of a pupil in any extracurricular activity*  
43 *or the skill of a pupil in such an activity;*

44 *(c) Whether a pupil is a pupil with a disability;*

45 *(d) Whether a pupil is an English learner; or*



1 (e) Except as otherwise provided in this paragraph, whether a  
2 pupil has previously been the subject of disciplinary action. The  
3 superintendent of a school district may deny the application of a  
4 pupil who, in the school year for which the application is  
5 submitted or the immediately preceding school year, was  
6 suspended for 10 or more days or expelled.

7 5. If an application to attend a public school outside the zone  
8 of attendance that a pupil is otherwise required to attend pursuant  
9 to paragraph (f) of subsection 2 is approved, the board of trustees  
10 of a school district may, but is not required to, provide  
11 transportation for the pupil to the public school pursuant to NRS  
12 386.790 to 386.845, inclusive.

13 6. A pupil whose application to attend a public school outside  
14 the zone of attendance that the pupil is otherwise required to  
15 attend pursuant to paragraph (f) of subsection 2 is approved shall  
16 be deemed enrolled in the school district within which the public  
17 school is located regardless of the location of the residence of the  
18 pupil.

19 7. As used in this section:

20 (a) "Expelled" has the meaning ascribed to "expel" or  
21 "expulsion" in NRS 392.4603.

22 (b) "Suspended" has the meaning ascribed to "suspend" or  
23 "suspension" in NRS 392.4607.

24 **Sec. 3.** The provisions of NRS 354.599 do not apply to any  
25 additional expenses of a local government that are related to the  
26 provisions of this act.

27 **Sec. 4.** 1. This section becomes effective upon passage and  
28 approval.

29 2. Sections 1, 2 and 3 of this act become effective:

30 (a) Upon passage and approval for the purpose of adopting any  
31 regulations and performing any other preparatory administrative  
32 tasks that are necessary to carry out the provisions of this act; and

33 (b) On July 1, 2024, for all other purposes.

