

**Amendment No. 708**

Assembly Amendment to Assembly Bill No. 497

(BDR 34-706)

**Proposed by:** Assembly Committee on Education

**Amendment Box:** Replaces Amendment No. 600.

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

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 497 (§ 2).

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

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





ASSEMBLY BILL No. 497—~~ASSEMBLYWOMAN~~ ASSEMBLYWOMEN BILBRAY-  
AXELROD ; HANSEN AND MOSCA

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)

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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; 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 zone the  
2 school district and determine which pupils must attend each school; and (2) allows pupils to  
3 attend certain schools despite the zoning decision of the board of trustees of the school  
4 district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school  
5 outside the zone of attendance in which the pupil is otherwise required to attend if the public  
6 school is not at capacity in the grade or classes required by the pupil. **Section 2** additionally  
7 requires : **(1)** the superintendent of each school district to establish an application process to  
8 enable such transfers of pupils between public schools ~~§ 1~~ ; **and (2) the State Board of**  
9 **Education to adopt regulations governing such a process.** **Section 1** of this bill authorizes  
10 the board of trustees of a school district that furnishes transportation to pupils to elect not to  
11 provide transportation to a pupil who attends a public school outside of his or her zone of  
12 attendance pursuant to **section 2.** **Additionally, sections 1 and 2 authorize the board of**  
13 **trustees of a school district to accept gifts and grants to carry out certain provisions of**  
14 **those sections.**

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 any school  
3 district may furnish transportation for all resident children of school age in the  
4 school district attending a public school, including pupils assigned to special

1 schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to  
2 388.5267, inclusive:

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

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

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

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

16 (a) Establish bus routes.

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

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

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

25 *5. The board of trustees of a school district may accept gifts and grants to  
26 assist in any provision of transportation to pupils described pursuant to  
27 subsection 4.*

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

29 388.040 1. Except as otherwise provided in subsection 2, the board of  
30 trustees of a school district that includes more than one school which offers  
31 instruction in the same grade or grades may zone the school district and determine  
32 which pupils must attend each school.

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

35 (a) Charter school;

36 (b) University school for profoundly gifted pupils;

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

40 (d) Public school outside the zone of attendance that the pupil is otherwise  
41 required to attend if the pupil has been issued a fictitious address pursuant to NRS  
42 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil  
43 resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471,  
44 inclusive; ~~or~~

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

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

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

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

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

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

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

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

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

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

18          (e) *Allow a pupil whose application to attend a public school outside the zone*  
19 *of attendance that the pupil is otherwise required to attend is approved to*  
20 *permanently transfer to that public school without requiring an additional*  
21 *application in any subsequent school year.*

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

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

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

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

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

30           (e) *Except as otherwise provided in this paragraph, whether a pupil has*  
31 *previously been the subject of disciplinary action. The superintendent of a school*  
32 *district may deny the application of a pupil who, in the school year for which the*  
33 *application is submitted or the immediately preceding school year, was suspended*  
34 *for 10 or more days or expelled.*

35          5. *If an application to attend a public school outside the zone of attendance*  
36 *that a pupil is otherwise required to attend pursuant to paragraph (f) of*  
37 *subsection 2 is approved, the board of trustees of a school district may, but is not*  
38 *required to, provide transportation for the pupil to the public school pursuant to*  
39 *NRS 386.790 to 386.845, inclusive.*

40          6. *A pupil whose application to attend a public school outside the zone of*  
41 *attendance that the pupil is otherwise required to attend pursuant to paragraph*  
42 *(f) of subsection 2 is approved shall be deemed enrolled in the school district*  
43 *within which the public school is located regardless of the location of the*  
44 *residence of the pupil.*

45          7. *The board of trustees of a school district may accept gifts and grants to*  
46 *carry out the provisions of this section.*

47          8. *The State Board shall adopt any regulations necessary to carry out the*  
48 *provisions of this section.*

49          9. *As used in this section:*

50           (a) *“Expelled” has the meaning ascribed to “expel” or “expulsion” in NRS*  
51 *392.4603.*

52           (b) *“Suspended” has the meaning ascribed to “suspend” or “suspension” in*  
53 *NRS 392.4607.*

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

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

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

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

8       (b) On ~~July~~ **January** 1, ~~2024~~ **2025**, for all other purposes.