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SENATE BILL NO. 254—SENATORS CEGAVSKE, O’CONNELL,  
WASHINGTON, HARDY, AMODEI, MCGINNESS, NOLAN AND  
TIFFANY

MARCH 10, 2003

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JOINT SPONSORS: ASSEMBLYMEN KNECHT, GUSTAVSON, BEERS,  
CHRISTENSEN, GEDDES, GIBBONS, GOICOECHEA, HARDY,  
HETRICK, MABEY, MARVEL AND SHERER

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Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes parents of certain pupils to choose which  
public school pupils will attend. (BDR 34-891)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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AN ACT relating to education; authorizing the parents and  
guardians of certain pupils to choose which public schools  
the pupils will attend; requiring the board of trustees of  
each school district to submit to the Legislature and the  
Legislative Committee on Education a report concerning  
restrictions on class size and the expansion of enrollment  
of pupils in certain schools; and providing other matters  
properly relating thereto.

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

1     **Section 1.** NRS 388.040 is hereby amended to read as follows:  
2     388.040 1. Except as otherwise provided in subsection 2, the  
3     board of trustees of a school district that includes more than one  
4     school which offers instruction in the same grade or grades may  
5     zone the school district and determine which pupils shall attend each  
6     school.



1 2. The establishment of zones pursuant to subsection 1 does  
2 not preclude a pupil from attending a ~~charter school~~ :

- 3 (a) *Charter school; or*  
4 (b) *Public school outside the zone of attendance that the pupil*  
5 *is otherwise required to attend if the board of trustees of a school*  
6 *district approves an application for the pupil to attend another*  
7 *public school pursuant to section 2 of this act.*

8 **Sec. 2.** Chapter 392 of NRS is hereby amended by adding  
9 thereto a new section to read as follows:

10 1. *Except as otherwise provided in subsection 7, the parents,*  
11 *legal guardian or custodial parent of a pupil may submit an*  
12 *application for the pupil to attend a public school that is located:*

- 13 (a) *Within the county in which the pupil resides but outside the*  
14 *zone of attendance established pursuant to NRS 388.040 that the*  
15 *pupil is required to attend; or*  
16 (b) *In another school district in this state.*

17 2. *An application for enrollment in a public school pursuant*  
18 *to this section must be submitted to the board of trustees of the*  
19 *school district that the pupil wishes to attend on a form provided*  
20 *by the board of trustees. The board of trustees of each school*  
21 *district shall prescribe the deadline for the submission of*  
22 *applications, which must not be sooner than 3 months before the*  
23 *commencement of a school year.*

24 3. *The board of trustees of a school district shall not act on*  
25 *an application that has been submitted until after the deadline for*  
26 *the submission of applications. Except as otherwise provided in*  
27 *this subsection, the board of trustees of a school district shall*  
28 *approve all applications that are submitted. If the board of trustees*  
29 *of a school district determines that a public school within the*  
30 *school district does not have sufficient resources to accommodate*  
31 *the total number of pupils who submitted applications for that*  
32 *school, including, without limitation, a sufficient number of*  
33 *classrooms or personnel, the board of trustees of the school*  
34 *district shall hold a meeting in accordance with chapter 241 of*  
35 *NRS to select randomly which applications will be approved. The*  
36 *board of trustees of the school district shall ensure that the*  
37 *random selection of applications occurs in such a manner that*  
38 *every application which has been submitted for a particular school*  
39 *is given an equal opportunity to be included in the selection.*

40 4. *If the board of trustees of a school district approves an*  
41 *application, the board of trustees shall provide written notice of*  
42 *the approval to:*

- 43 (a) *The person who submitted the application on behalf of the*  
44 *pupil;*



1       (b) *The public school that the pupil would otherwise be*  
2 *required to attend;*

3       (c) *The public school that the pupil will attend; and*

4       (d) *The board of trustees of the school district in which the*  
5 *pupil resides, if the pupil will be attending a public school in*  
6 *another county.*

7       5. *A pupil may remain in the public school for succeeding*  
8 *school years without submitting an application pursuant to this*  
9 *section if space for the pupil is available. If space for the pupil is*  
10 *not available in that public school, he may return to the public*  
11 *school that he is otherwise required to attend or submit an*  
12 *application pursuant to this section to attend another public*  
13 *school.*

14       6. *If a pupil attends a public school pursuant to this section:*

15       (a) *The pupil must be included in the count of pupils in the*  
16 *school district in which the pupil attends school for the purposes*  
17 *of apportionments and allowances from the State Distributive*  
18 *School Account pursuant to NRS 387.121 to 387.126, inclusive.*

19       (b) *The pupil may return to the public school that he is*  
20 *otherwise required to attend if the parents, legal guardian or*  
21 *custodial parent of the pupil provide written notice of that desire to*  
22 *the board of trustees of the school district in which the pupil*  
23 *resides. If a pupil attends a public school outside the county in*  
24 *which the pupil resides and he returns to the public school that he*  
25 *is otherwise required to attend during the school year, appropriate*  
26 *adjustments must be made for that school year in the computation*  
27 *of apportionments and allowances from the State Distributive*  
28 *School Account for the two school districts.*

29       (c) *Neither the board of trustees of the school district in which*  
30 *the pupil attends school nor the board of trustees of the school*  
31 *district in which the pupil resides is required to provide*  
32 *transportation for the pupil to attend the public school.*

33       7. *The provisions of this section do not apply:*

34       (a) *For enrollment in a charter school.*

35       (b) *To a pupil who is enrolled in a public school for which the*  
36 *board of trustees of the school district is required to provide school*  
37 *choice pursuant to the No Child Left Behind Act of 2001, 20*  
38 *U.S.C. §§ 6301 et. seq.*

39       (c) *For enrollment in a program of distance education*  
40 *pursuant to NRS 388.820 to 388.874, inclusive.*

41       (d) *For enrollment in a public school pursuant to*  
42 *NRS 392.015.*

43       (e) *To a pupil who is ineligible to attend a public school*  
44 *pursuant to NRS 392.264 or 392.4675.*



1       **Sec. 3.** NRS 392.010 is hereby amended to read as follows:  
2       392.010 Except as to the attendance of a pupil pursuant to NRS  
3 388.820 to 388.874, inclusive, or 392.015 ~~§~~ *and section 2 of this*  
4 *act*, or a pupil who is ineligible for attendance pursuant to NRS  
5 392.4675 and except as otherwise provided in NRS 392.264 and  
6 392.268:

7       1. The board of trustees of any school district may, with the  
8 approval of the Superintendent of Public Instruction:

9       (a) Admit to the school or schools of the school district any  
10 pupil or pupils living in an adjoining school district within this state  
11 or in an adjoining state when the school district of residence in the  
12 adjoining state adjoins the receiving Nevada school district; or

13       (b) Pay tuition for pupils residing in the school district but who  
14 attend school in an adjoining school district within this state or in an  
15 adjoining state when the receiving district in the adjoining state  
16 adjoins the school district of Nevada residence.

17       2. With the approval of the Superintendent of Public  
18 Instruction, the board of trustees of the school district in which the  
19 pupil or pupils reside and the board of trustees of the school district  
20 in which the pupil or pupils attend school shall enter into an  
21 agreement providing for the payment of such tuition as may be  
22 agreed upon, but transportation costs must be paid by the board of  
23 trustees of the school district in which the pupil or pupils reside:

24       (a) If any are incurred in transporting a pupil or pupils to an  
25 adjoining school district within the State; and

26       (b) If any are incurred in transporting a pupil or pupils to an  
27 adjoining state, as provided by the agreement.

28       3. In addition to the provisions for the payment of tuition and  
29 transportation costs for pupils admitted to an adjoining school  
30 district as provided in subsection 2, the agreement may contain  
31 provisions for the payment of reasonable amounts of money to  
32 defray the cost of operation, maintenance and depreciation of capital  
33 improvements which can be allocated to such pupils.

34       **Sec. 4.** 1. The board of trustees of each school district shall  
35 prepare a written report concerning the requirements of pupil-  
36 teacher ratios and class size, other than those specifically required  
37 by statute, imposed for the schools within the district that are  
38 referred to as magnet schools and other schools that are designed to  
39 serve the special talents and academic abilities of pupils. The report  
40 must include a plan developed by the board of trustees to revise any  
41 restrictions on pupil-teacher ratios and class size, other than those  
42 specifically required by statute, to expand the enrollment of pupils  
43 pursuant to section 2 of this act in magnet schools and other schools  
44 designed to serve the special talents and academic abilities of pupils.



1       2. The board of trustees of each school district shall submit the  
2 report required pursuant to subsection 1:

3       (a) On or before February 2, 2004, to the Legislative Committee  
4 on Education created pursuant to NRS 218.5352. Based upon the  
5 reports, the Committee may make recommendations for legislation  
6 as it considers necessary.

7       (b) On or before January 1, 2005, to the Director of the  
8 Legislative Counsel Bureau for transmission to the 73rd Session of  
9 the Nevada Legislature.

10       **Sec. 5.** 1. This section and section 4 of this act become  
11 effective on July 1, 2003.

12       2. Sections 1, 2 and 3 of this act become effective on  
13 January 1, 2004.

