
SENATE BILL NO. 241—SENATOR WASHINGTON

MARCH 21, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Provides for school choice, revises provisions governing appointment of Superintendent of Public Instruction and authorizes certain local governments to veto decisions of boards of trustees of school districts. (BDR 34-45)

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 the Program of Voucher Schools to be administered by the Department of Education; authorizing certain private schools to apply to the Department for certification as voucher schools; authorizing certain pupils to apply to the Department to participate in the Program; authorizing the Department to request reimbursement from a voucher school for certain costs associated with administering the voucher school; revising provisions governing the apportionments of money from the State Distributive School Account to provide for the payments of money for pupils who are enrolled in voucher schools; requiring that the appointment of the Superintendent of Public Instruction by the State Board of Education be confirmed by a majority vote of the Senate; authorizing the parents and guardians of certain pupils to choose which public schools the pupils will attend; authorizing the boards of county commissioners and city councils to veto matters passed by the boards of trustees of school districts within their jurisdiction; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law establishes the system of public education in this State. (Chapters
2 385-393 of NRS)

3 This bill establishes a Program of Voucher Schools, to be administered by the
4 Department of Education. This bill authorizes the Department to certify a private
5 school to operate as a voucher school. To become certified, the private school must
6 be licensed under state law. The Department may revoke the certification if the
7 voucher school fails to comply with the applicable provisions of the law or if its
8 license to operate as a private school is revoked.

9 A child may participate in the Program if the child attends, or is scheduled to
10 attend, a school that has been designated as needing improvement for 3 or more
11 consecutive years under the school accountability laws or the child is from a low-
12 income family that is at or below the federally designated level of poverty. Not
13 more than 10 percent of the children who reside within each school district may be
14 approved by the Department to participate in the Program.

15 Pupils who participate in the Program and are enrolled in a voucher school
16 must be included in the count of pupils in the school district for purposes of
17 apportionments and allowances from the State Distributive School Account.

18 The Department provides the parent with a voucher, which is then endorsed and
19 submitted to the voucher school. The voucher school submits the vouchers from all
20 participating students to the Department for payment. The Department must pay a
21 voucher school an amount equal to the per pupil amount of money apportioned to
22 the school district in which the voucher school is located or the amount of the
23 annual tuition charged by the voucher school, whichever is less.

24 Existing law authorizes school districts to establish zones of attendance that
25 prescribe which pupils attend each school within the district. (NRS 388.040)

26 This bill authorizes a parent or guardian of a pupil to apply for the child to
27 attend a public school outside the pupil's zone of attendance or to attend a public
28 school in another school district. The application must be submitted to the board of
29 trustees of the school district in which the pupil wishes to attend school. A pupil is
30 eligible for school choice if he is required to attend a public school that has been
31 designated as demonstrating need for improvement for 1 or more consecutive years
32 under school accountability laws or he is from a low-income family that is at or
33 below the federally designated level of poverty.

34 Under existing law, the Superintendent of Public Instruction is appointed by the
35 State Board of Education. (NRS 385.150)

36 This bill requires the State Senate to confirm or reject the appointment of the
37 Superintendent. The Senate must seek a recommendation regarding approval from
38 the Senate and Assembly committees with jurisdiction over education. A
39 confirmation of appointment requires a majority vote of the Senate.

40 Appointment of a Superintendent made during a legislative interim would be
41 considered at the next regular legislative session. The person appointed as
42 Superintendent will begin to discharge his duties immediately upon appointment by
43 the Board, subject to confirmation or rejection by the Senate. Unless a vacancy
44 occurs in the current position, this provision would not apply until the appointment
45 that is made for the term commencing in 2007.

46 Existing law grants authority to the boards of trustees of school districts to
47 carry out the system of public education within their respective districts.
48 (NRS 386.350)

49 This bill allows matters passed by the board of trustees of a school district to be
50 vetoed. This bill grants veto power to the board of county commissioners and the
51 city council or other governing body of a city. This veto power applies to decisions
52 made by the board of trustees of a school district that is located in part or in whole
53 within their respective jurisdictions. The veto must be exercised within 30 days



54 after the board of trustees of a school district decides the matter. A majority vote is
55 required.

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

1 **Section 1.** Title 34 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 16, inclusive, of this act.

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

7 **Sec. 3.** *“Family of low income” means a family with a*
8 *monthly household income that is at or below the federally*
9 *designated level signifying poverty.*

10 **Sec. 4.** *“Private school” has the meaning ascribed to it in*
11 *NRS 394.103.*

12 **Sec. 5.** *“Program” means the Program of Voucher Schools*
13 *established pursuant to section 8 of this act.*

14 **Sec. 6.** *“Voucher” means a document that may be exchanged*
15 *by a voucher school with the Department for money for the*
16 *educational expenses of a pupil who participates in the Program*
17 *and attends the voucher school.*

18 **Sec. 7.** *“Voucher school” means a private school that is*
19 *certified pursuant to section 10 of this act.*

20 **Sec. 8. 1.** *There is hereby established the Program of*
21 *Voucher Schools, to be administered by the Department. The State*
22 *Board shall adopt regulations:*

23 *(a) Prescribing the process for the submission of an*
24 *application by a private school to become certified as a voucher*
25 *school and the contents of the application;*

26 *(b) Prescribing the process for the submission of an*
27 *application by a parent or legal guardian of a child to participate*
28 *in the Program; and*

29 *(c) As are necessary to carry out the provisions of sections 2 to*
30 *16, inclusive, of this act.*

31 **2.** *The Department shall:*

32 *(a) Provide information to the general public concerning the*
33 *Program.*

34 *(b) Maintain a list available for public inspection that*
35 *identifies which private schools are certified as voucher schools*
36 *pursuant to section 10 of this act.*



1 **Sec. 9. 1.** *A private school may submit to the Department*
2 *an application to become certified as a voucher school if the*
3 *private school:*

4 *(a) Is licensed pursuant to chapter 394 of NRS; and*

5 *(b) Has an admissions policy that does not discriminate on the*
6 *basis of race or ethnicity.*

7 **2.** *Such an application must include:*

8 *(a) Proof that the private school is licensed pursuant to*
9 *chapter 394 of NRS;*

10 *(b) A written statement that the private school does not*
11 *discriminate on the basis of race or ethnicity;*

12 *(c) A written statement that the private school will not charge*
13 *tuition or fees to children from families of low income who*
14 *participate in the Program; and*

15 *(d) The number of children from the Program that the private*
16 *school is able to accommodate.*

17 **Sec. 10. 1.** *Upon receipt of an application from a private*
18 *school, the Department shall review the application to determine*
19 *whether it is complete. The Department shall approve an*
20 *application if it is complete. The Department shall provide written*
21 *notice to the applicant of its approval or denial of the application.*

22 **2.** *If an application is approved by the Department, the*
23 *Department and the private school shall enter into a written*
24 *agreement which certifies that the private school is a voucher*
25 *school.*

26 **3.** *The certification of a voucher school pursuant to this*
27 *section remains valid indefinitely unless:*

28 *(a) The Department revokes the certification pursuant to*
29 *section 11 of this act; or*

30 *(b) The voucher school requests that the Department revoke*
31 *the certification.*

32 **4.** *If a voucher school requests that the Department revoke*
33 *the certification of the voucher school during a school year, the*
34 *voucher school shall continue to provide an education to pupils*
35 *who participate in the Program and are enrolled in the voucher*
36 *school for the remainder of that school year. Upon completion of*
37 *the school year, the Department shall revoke the certification of*
38 *the voucher school.*

39 **Sec. 11. 1.** *The Department shall revoke the certification of*
40 *a voucher school if the:*

41 *(a) Voucher school fails to comply with the provisions of*
42 *sections 2 to 16, inclusive, of this act.*

43 *(b) License of the voucher school is revoked pursuant to*
44 *chapter 394 of NRS.*



1 2. *The Department shall not interfere with the operation or*
2 *management of a voucher school except as authorized by sections*
3 *2 to 16, inclusive, of this act.*

4 **Sec. 12. 1.** *A voucher school shall:*

5 (a) *Comply with all laws and regulations relating to*
6 *discrimination and civil rights;*

7 (b) *Accept a voucher on behalf of a child who is from a family*
8 *of low income as full payment for the costs of providing an*
9 *education to the child; and*

10 (c) *Comply with the provisions of sections 2 to 16, inclusive, of*
11 *this act.*

12 2. *A voucher school shall not charge tuition or fees to*
13 *children from families of low income who participate in the*
14 *Program and attend the voucher school.*

15 3. *For all legal intents and purposes, a voucher school is not*
16 *a public employer.*

17 **Sec. 13. 1.** *The parent or legal guardian of a child may*
18 *submit an application to the Department to participate in the*
19 *Program if:*

20 (a) *At least one voucher school is located within the county in*
21 *which the child resides; and*

22 (b) *The child is:*

23 (1) *Enrolled in or otherwise scheduled to attend a public*
24 *school that has carried a designation as demonstrating need for*
25 *improvement pursuant to NRS 385.3623 for 3 consecutive years or*
26 *more; or*

27 (2) *From a family of low income and in the immediately*
28 *preceding school year, the child:*

29 (I) *Was enrolled in a public school in this State;*

30 (II) *Was enrolled in a voucher school as a participant in*
31 *the Program; or*

32 (III) *Was not enrolled in a school.*

33 2. *The Department shall categorize the applications that it*
34 *receives by school district. For each school district, the*
35 *Department shall approve the applications of not more than 10*
36 *percent of the children who reside within the school district. If*
37 *more eligible children apply for participation in the Program than*
38 *the number of applications that may be approved for a particular*
39 *school district, the Department shall select applications at random*
40 *by lottery for approval.*

41 3. *Upon approval of an application, the Department shall*
42 *provide a written statement of approval to the parent or legal*
43 *guardian of the child indicating the date of approval.*

44 4. *A written statement of approval is valid for 1 school year.*
45 *If a parent or legal guardian desires that his child continue to*



1 *participate in the Program, the parent or legal guardian must*
2 *reapply for participation in the Program each year. If a child*
3 *initially participates in the Program because he is enrolled in or*
4 *otherwise scheduled to attend a public school that has carried a*
5 *designation as demonstrating need for improvement pursuant to*
6 *NRS 385.3623 for 3 consecutive years or more, the child is eligible*
7 *to continue his participation in the Program if he satisfies the*
8 *requirements of this section, regardless of whether the public*
9 *school subsequently receives a designation other than a*
10 *designation as demonstrating need for improvement.*

11 *5. A parent or legal guardian may withdraw his child from*
12 *participation in the Program at any time upon written notice to the*
13 *Department.*

14 **Sec. 14. 1.** *Upon receipt of a written statement of approval*
15 *pursuant to section 13 of this act, the parent or legal guardian of a*
16 *child may apply for enrollment in a voucher school which is*
17 *located within the school district that the child would otherwise*
18 *attend. Such an application must be accompanied by a copy of the*
19 *written statement of approval.*

20 *2. If more children who participate in the Program apply for*
21 *enrollment in a voucher school than the number of spaces which*
22 *are available, the voucher school shall:*

23 *(a) Determine which applicants to enroll at random by lottery;*
24 *and*

25 *(b) Provide the Department with written evidence that the*
26 *school complied with the provisions of this subsection.*

27 *↳ If the Department determines that the voucher school did not*
28 *comply with the lottery system required by this subsection, the*
29 *Department may withdraw the certification of the voucher school.*

30 *3. If a parent or legal guardian of a child who participates in*
31 *the Program desires to continue his child's education in a voucher*
32 *school, the parent or legal guardian shall submit an application*
33 *for enrollment in a voucher school for each school year.*

34 **Sec. 15.** *Upon the written request of a parent or legal*
35 *guardian of a pupil who is enrolled in a voucher school, the*
36 *school shall not require the pupil to participate in any religious*
37 *activity.*

38 **Sec. 16. 1.** *Pupils who participate in the Program and are*
39 *enrolled in a voucher school, including, without limitation, pupils*
40 *who are enrolled in programs of special education in a voucher*
41 *school, must be included in the count of pupils in the school*
42 *district for the purposes of apportionments and allowances from*
43 *the State Distributive School Account pursuant to NRS 387.121 to*
44 *387.126, inclusive.*



1 2. A voucher school shall submit to the Department a list of
2 names of the pupils who participate in the Program and are
3 accepted for enrollment in the voucher school. Upon receipt of
4 such a list, the Department shall verify that each pupil identified
5 on the list has been approved for participation in the Program and
6 resides within the school district in which the voucher school is
7 located. After the Department verifies the list of names, the
8 Department shall issue a voucher to each parent or legal guardian
9 of a pupil who is approved for participation in the Program and
10 accepted for enrollment in a voucher school. The parent or legal
11 guardian shall restrictively endorse the voucher for use by the
12 voucher school that his child will attend and submit the voucher to
13 the voucher school.

14 3. A voucher school may submit to the Department all
15 vouchers that it receives which are endorsed for payment. A
16 parent or legal guardian of a pupil may not submit a voucher
17 directly to the Department for payment. Upon receipt of all
18 vouchers from a voucher school, the Department shall pay to the
19 voucher school for each child who participates in the Program
20 and is enrolled in the voucher school, an amount equal to:

21 (a) The per pupil amount of money apportioned to the school
22 district in which the voucher school is located from the State
23 Distributive School Account pursuant to NRS 387.124; or

24 (b) The per pupil annual tuition charged by the voucher
25 school,
26 ↪ whichever is less. The Department may pay the total amount
27 due a voucher school pursuant to this subsection in quarterly
28 payments.

29 4. Upon completion of a school year, the Department may
30 request reimbursement from a voucher school for the
31 administrative costs associated with the voucher school's
32 participation in the Program if the Department provided
33 administrative services during that school year. Upon receipt of
34 such a request, the voucher school shall pay the reimbursement to
35 the Department. If a voucher school fails to pay the
36 reimbursement, the Department may take action to revoke the
37 certification of the voucher school. The amount of reimbursement
38 that a voucher school may be required to pay pursuant to this
39 subsection must not exceed:

40 (a) For the first year the school operates as a voucher school,
41 1 percent of the total amount of money apportioned to the voucher
42 school during the year pursuant to this section.

43 (b) For any year after the first year of operation as a voucher
44 school, 0.5 percent of the total amount of the money apportioned
45 to the voucher school during the year pursuant to this section.



1 **Sec. 17.** NRS 385.150 is hereby amended to read as follows:

2 385.150 1. The State Board shall , *with the advice and*
3 *consent of the Senate*, appoint the Superintendent of Public
4 Instruction for a term of 3 years. *A confirmation of appointment by*
5 *the Senate requires a majority vote.*

6 2. *If the State Board appoints a person to the Office of*
7 *Superintendent of Public Instruction during a recess of the*
8 *Legislature, the appointment must be confirmed or rejected by*
9 *the Senate at the next regular session of the Legislature, unless*
10 *the appointment expires before that time. A confirmation of*
11 *appointment requires a majority vote of the Senate.*

12 3. *If applicable, at the earliest day practicable, the State*
13 *Board shall submit to the Legislature a written statement naming*
14 *the person who has been appointed to the Office of Superintendent*
15 *of Public Instruction during a recess of the Legislature.*

16 4. *A person whom the State Board appoints to the Office of*
17 *Superintendent of Public Instruction may perform and shall begin*
18 *to discharge the duties of his office immediately upon appointment*
19 *by the State Board, subject to confirmation or rejection by the*
20 *Senate.*

21 5. *The Senate shall not confirm or reject an appointment*
22 *made pursuant to this section until a recommendation concerning*
23 *the appointment is received from a joint meeting of the standing*
24 *committees of the Senate and Assembly having jurisdiction over*
25 *education. The recommendation must be approved by a majority*
26 *vote of each standing committee before it is forwarded to the*
27 *Senate.*

28 6. *If a person appointed by the State Board pursuant to*
29 *subsection 1 is rejected by a vote of the Senate, the office becomes*
30 *vacant immediately.*

31 7. *If a person appointed by the State Board pursuant to*
32 *subsection 1 is rejected by a vote of the Senate, the State Board*
33 *may not appoint that person to any other office or position before*
34 *the beginning of the next regular session of the Legislature.*

35 8. The State Board may remove the Superintendent of Public
36 Instruction from office for inefficiency, neglect of duty, malfeasance
37 in office or for other just cause.

38 ~~2.~~ 9. A vacancy must be filled by the State Board for the
39 remainder of the unexpired term ~~f~~
40 ~~—3.~~ *in accordance with this section.*

41 10. The Superintendent of Public Instruction is in the
42 unclassified service of the State.

43 **Sec. 18.** NRS 386.010 is hereby amended to read as follows:

44 386.010 1. County school districts, the boundaries of which
45 are coterminous with the boundaries of the counties of the State,



1 are hereby created. The Carson City School District shall be
2 considered as a county school district.

3 2. Each county school district created by this chapter is hereby
4 declared to be a political subdivision of the State of Nevada whose
5 purpose is to administer the state system of public education ~~[]~~,
6 *subject to the limitations set forth in sections 43, 44 and 45 of this*
7 *act.*

8 3. Each school district shall have the power to sue and may be
9 sued.

10 **Sec. 19.** NRS 386.350 is hereby amended to read as follows:

11 386.350 ~~[Each]~~ *Subject to the limitations set forth in sections*
12 *43, 44 and 45 of this act, each* board of trustees is hereby given
13 such reasonable and necessary powers, not conflicting with the
14 Constitution and the laws of the State of Nevada, as may be
15 requisite to attain the ends for which the public schools, excluding
16 charter schools, are established and to promote the welfare of school
17 children, including the establishment and operation of schools and
18 classes deemed necessary and desirable.

19 **Sec. 20.** NRS 386.415 is hereby amended to read as follows:

20 386.415 1. The board of trustees of any school district may
21 enter into an agreement with any ~~[individual,]~~ *person*, firm,
22 partnership, corporation, association or public agency which has
23 been approved for such purpose by the Aging Services Division of
24 the Department of Human Resources ~~[]~~ whereby the school district
25 agrees to prepare hot lunches for persons 60 years of age or older
26 and their spouses or any group of such persons by utilizing the
27 systems and procedures already developed for use in the school
28 lunch program of ~~[such]~~ *the* district.

29 2. No agreement entered into by a board of trustees of a school
30 district pursuant to the provisions of this section may:

31 (a) Involve the expenditure by the school district of any school
32 lunch money or other *money for the system of* public ~~[school~~
33 ~~money]~~ *education* or the use of any school lunch commodities or
34 public school personnel, equipment or facilities unless the
35 agreement includes a provision requiring full reimbursement
36 therefor.

37 (b) Provide for payment to the school district of any amount in
38 excess of the estimated actual cost of food, personnel, equipment,
39 facilities and other necessary expenditures involved in the
40 performance of the agreement. The estimated actual cost ~~[shall]~~
41 *must* be negotiated by the board of trustees and the Aging Services
42 Division of the Department of Human Resources.

43 (c) Permit any program of hot lunches for persons 60 years of
44 age or over and their spouses to interfere in any way with the use of
45 school lunch facilities for public school purposes.



1 **Sec. 21.** Chapter 387 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *As used in this chapter, “voucher school” has the meaning*
4 *ascribed to it in section 7 of this act.*

5 **Sec. 22.** NRS 387.040 is hereby amended to read as follows:

6 387.040 1. Except as otherwise provided in subsection 2 and
7 NRS 387.528, the State Treasurer shall pay over all *money for the*
8 *system of* public ~~[school-money]~~ *education* received by him for the
9 support of school districts only on warrants of the State Controller
10 issued upon the orders of the Superintendent of Public Instruction in
11 favor of county treasurers. When endorsed, the orders are valid
12 vouchers in the hands of the State Controller for the disbursement of
13 *money for the system of* public ~~[school-money-]~~ *education.*

14 2. Except as otherwise provided in NRS 387.528, if the board
15 of trustees of a school district establishes and administers a separate
16 account pursuant to the provisions of NRS 354.603, the State
17 Treasurer shall pay over to the school district all *money for the*
18 *system of* public ~~[school-money]~~ *education* due the school district.

19 3. The State Treasurer shall pay over all *money for the system*
20 *of* public ~~[school-money]~~ *education* received by him for the support
21 of charter schools only on warrants of the State Controller issued
22 upon the orders of the Superintendent of Public Instruction in favor
23 of the charter schools. When endorsed, the orders are valid vouchers
24 in the hands of the State Controller for the disbursement of *money*
25 *for the system of* public ~~[school-money-]~~ *education.*

26 **Sec. 23.** NRS 387.045 is hereby amended to read as follows:

27 387.045 1. ~~[No]~~ *Except as otherwise provided in section 16*
28 *of this act, no* portion of the *money for the system of* public ~~[school~~
29 ~~funds]~~ *education* or of the money specially appropriated for the
30 purpose of *the system of* public ~~[schools-shall]~~ *education may* be
31 devoted to any other object or purpose.

32 2. No portion of the *money for the system of* public ~~[school~~
33 ~~funds-shall]~~ *education may* in any way be segregated, divided or set
34 apart for the *direct* use or benefit of any sectarian or secular society
35 or association.

36 **Sec. 24.** NRS 387.121 is hereby amended to read as follows:

37 387.121 The Legislature declares that the proper objective of
38 state financial aid to public education is to ensure each Nevada child
39 a reasonably equal educational opportunity. Recognizing wide local
40 variations in wealth and costs per pupil, this State should
41 supplement local financial ability to whatever extent necessary in
42 each school district to provide programs of instruction in both
43 compulsory and elective subjects , *whether in a public school or a*
44 *voucher school*, that offer full opportunity for every Nevada child to
45 receive the benefit of the purposes for which *the system of* public



1 ~~{schools are}~~ *education is* maintained. Therefore , the quintessence
2 of the State’s financial obligation for such programs can be
3 expressed in a formula partially on a per pupil basis and partially on
4 a per program basis as: State financial aid to school districts equals
5 the difference between school district basic support guarantee and
6 local available funds produced by mandatory taxes minus all the
7 local funds attributable to pupils who reside in the county but
8 *participate in the Program of Voucher Schools pursuant to*
9 *sections 2 to 16, inclusive, of this act and attend a voucher school*
10 *and pupils who reside in the county and attend a charter school.*
11 This formula is designated the Nevada Plan.

12 **Sec. 25.** NRS 387.1211 is hereby amended to read as follows:

13 387.1211 As used in NRS 387.121 to 387.126, inclusive:

14 1. “Average daily attendance” means the total number of pupils
15 attending a particular school each day during a period of reporting
16 divided by the number of days school is in session during that
17 period.

18 2. “Enrollment” means the count of pupils ~~{enrolled}~~ *who:*

19 *(a) Are enrolled* in and scheduled to attend programs of
20 instruction of a school district ;

21 *(b) Participate in the Program of Voucher Schools pursuant to*
22 *sections 2 to 16, inclusive, of this act and are enrolled in and*
23 *scheduled to attend programs of instruction of a voucher school;*
24 or

25 *(c) Are enrolled in and scheduled to attend programs of*
26 *instruction of* a charter school ,

27 ↪ at a specified time during the school year.

28 3. “Special education program unit” means an organized unit
29 of special education and related services which includes full-time
30 services of persons licensed by the Superintendent of Public
31 Instruction or other appropriate licensing body, providing a program
32 of instruction in accordance with minimum standards prescribed by
33 the State Board.

34 **Sec. 26.** NRS 387.1233 is hereby amended to read as follows:

35 387.1233 1. Except as otherwise provided in subsection 2,
36 basic support of each school district must be computed by:

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

39 (1) Six-tenths the count of pupils enrolled in the kindergarten
40 department on the last day of the first school month of the school
41 district for the school year, including, without limitation, the count
42 of pupils who reside in the county and are enrolled in any charter
43 school *and any pupils who reside in the county, participate in the*
44 *Program of Voucher Schools pursuant to sections 2 to 16,*
45 *inclusive, of this act and are enrolled in kindergarten in a voucher*



1 *school* on the last day of the first school month of the school district
2 for the school year.

3 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
4 on the last day of the first school month of the school district for the
5 school year, including, without limitation, the count of pupils who
6 reside in the county and are enrolled in any charter school *and*
7 *pupils who reside in the county, participate in the Program of*
8 *Voucher Schools pursuant to sections 2 to 16, inclusive, of this act*
9 *and who are enrolled in grades 1 to 12, inclusive, in a voucher*
10 *school* on the last day of the first school month of the school district
11 for the school year.

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

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

19 (I) In a public school of the school district and are
20 concurrently enrolled part time in a program of distance education
21 provided by another school district or a charter school on the last
22 day of the first school month of the school district for the school
23 year, expressed as a percentage of the total time services are
24 provided to those pupils per school day in proportion to the total
25 time services are provided during a school day to pupils who are
26 counted pursuant to subparagraph (2).

27 (II) In a charter school and are concurrently enrolled part
28 time in a program of distance education provided by a school district
29 or another charter school on the last day of the first school month of
30 the school district for the school year, expressed as a percentage of
31 the total time services are provided to those pupils per school day in
32 proportion to the total time services are provided during a school
33 day to pupils who are counted pursuant to subparagraph (2).

34 (5) The count of pupils not included under subparagraph (1),
35 (2), (3) or (4), who are receiving special education pursuant to the
36 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
37 the first school month of the school district for the school year,
38 excluding the count of pupils who have not attained the age of 5
39 years and who are receiving special education pursuant to
40 subsection 1 of NRS 388.490 on that day.

41 (6) Six-tenths the count of pupils who have not attained the
42 age of 5 years and who are receiving special education pursuant to
43 subsection 1 of NRS 388.490 on the last day of the first school
44 month of the school district for the school year.



1 (7) The count of children detained in facilities for the
2 detention of children, alternative programs and juvenile forestry
3 camps receiving instruction pursuant to the provisions of NRS
4 388.550, 388.560 and 388.570 on the last day of the first school
5 month of the school district for the school year.

6 (8) The count of pupils who are enrolled in classes for at
7 least one semester pursuant to subsection 4 of NRS 386.560,
8 subsection 4 of NRS 386.580 or subsection 3 of NRS 392.070,
9 expressed as a percentage of the total time services are provided to
10 those pupils per school day in proportion to the total time services
11 are provided during a school day to pupils who are counted pursuant
12 to subparagraph (2).

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

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

17 2. If the enrollment of pupils in a school district or a charter
18 school that is located within the school district on the last day of the
19 first school month of the school district for the school year is less
20 than the enrollment of pupils in the same school district or charter
21 school on the last day of the first school month of the school district
22 for either or both of the immediately preceding 2 school years, the
23 largest number must be used from among the 3 years for purposes of
24 apportioning money from the State Distributive School Account to
25 that school district or charter school pursuant to NRS 387.124.

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

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

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

38 **Sec. 27.** NRS 387.124 is hereby amended to read as follows:

39 387.124 Except as otherwise provided in this section and
40 NRS 387.528:

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



1 apportionments less any amount set aside as a reserve. The
2 apportionment to a school district, computed on a yearly basis,
3 equals the difference between the basic support and the local funds
4 available pursuant to NRS 387.1235, minus all the funds attributable
5 to pupils who reside in the county but attend a charter school, ~~and~~
6 all the funds attributable to pupils who reside in the county and are
7 enrolled full time or part time in a program of distance education
8 provided by another school district or a charter school ~~and~~ *and the*
9 *amount of money paid to a voucher school located in the county*
10 *pursuant to section 16 of this act.* No apportionment may be made
11 to a school district if the amount of the local funds exceeds the
12 amount of basic support. If an agreement is not filed for a pupil who
13 is enrolled in a program of distance education as required by NRS
14 388.854, the Superintendent of Public Instruction shall not apportion
15 money for that pupil to the board of trustees of the school district in
16 which the pupil resides, or the board of trustees or governing body
17 that provides the program of distance education.

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

32 3. Except as otherwise provided in this subsection, the
33 apportionment to a charter school that is sponsored by the State
34 Board, computed on a yearly basis, is equal to:

35 (a) The sum of the basic support per pupil in the county in
36 which the pupil resides plus the amount of local funds available per
37 pupil pursuant to NRS 387.1235 and all other funds available for
38 public schools in the county in which the pupil resides; or

39 (b) The statewide average per pupil amount for pupils who are
40 enrolled full time,

41 ↪ whichever is greater. If the calculation set forth in paragraph (a)
42 is less than the calculation pursuant to paragraph (b), the school
43 district in which the charter school is located shall pay the difference
44 directly to the charter school. If a charter school provides a program
45 of distance education pursuant to NRS 388.820 to 388.874,



1 inclusive, the apportionment to the charter school for pupils who are
2 enrolled in the program of distance education must be calculated as
3 set forth in subsection 2 or 4, as applicable.

4 4. In addition to the apportionments made pursuant to this
5 section, an apportionment must be made to a school district or
6 charter school that provides a program of distance education for
7 each pupil who is enrolled part time in the program if an agreement
8 is filed for that pupil pursuant to NRS 388.854 or 388.858, as
9 applicable. The amount of the apportionment must be equal to the
10 percentage of the total time services are provided to the pupil
11 through the program of distance education 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) of
14 paragraph (a) of subsection 1 of NRS 387.1233 for the school
15 district in which the pupil resides.

16 5. The governing body of a charter school may submit a
17 written request to the Superintendent of Public Instruction to
18 receive, in the first year of operation of the charter school, an
19 apportionment 30 days before the apportionment is required to be
20 made pursuant to subsection 1. Upon receipt of such a request, the
21 Superintendent of Public Instruction may make the apportionment
22 30 days before the apportionment is required to be made. A charter
23 school may receive all four apportionments in advance in its first
24 year of operation.

25 6. If the State Controller finds that such an action is needed to
26 maintain the balance in the State General Fund at a level sufficient
27 to pay the other appropriations from it, he may pay out the
28 apportionments monthly, each approximately one-twelfth of the
29 yearly apportionment less any amount set aside as a reserve. If such
30 action is needed, the State Controller shall submit a report to the
31 Department of Administration and the Fiscal Analysis Division of
32 the Legislative Counsel Bureau documenting reasons for the action.

33 **Sec. 28.** NRS 387.185 is hereby amended to read as follows:

34 387.185 1. Except as otherwise provided in subsection 2 and
35 NRS 387.528, all school money due each county school district
36 must be paid over by the State Treasurer to the county treasurer on
37 August 1, November 1, February 1 and May 1 of each year or as
38 soon thereafter as the county treasurer may apply for it, upon the
39 warrant of the State Controller drawn in conformity with the
40 apportionment of the Superintendent of Public Instruction as
41 provided in NRS 387.124.

42 2. Except as otherwise provided in NRS 387.528, if the board
43 of trustees of a school district establishes and administers a separate
44 account pursuant to the provisions of NRS 354.603, all school
45 money due that school district must be paid over by the State



1 Treasurer to the school district on August 1, November 1,
2 February 1 and May 1 of each year or as soon thereafter as the
3 school district may apply for it, upon the warrant of the State
4 Controller drawn in conformity with the apportionment of the
5 Superintendent of Public Instruction as provided in NRS 387.124.

6 3. No county school district may receive any portion of the
7 *money for the system of* public ~~[school-money]~~ *education* unless
8 that school district has complied with the provisions of this title and
9 regulations adopted pursuant thereto.

10 4. Except as otherwise provided in this subsection, all school
11 money due each charter school must be paid over by the State
12 Treasurer to the governing body of the charter school on August 1,
13 November 1, February 1 and May 1 of each year or as soon
14 thereafter as the governing body may apply for it, upon the warrant
15 of the State Controller drawn in conformity with the apportionment
16 of the Superintendent of Public Instruction as provided in NRS
17 387.124. If the Superintendent of Public Instruction has approved,
18 pursuant to subsection 5 of NRS 387.124, a request for payment of
19 an apportionment 30 days before the apportionment is otherwise
20 required to be made, the money due ~~to~~ the charter school must be
21 paid by the State Treasurer to the governing body of the charter
22 school on July 1, October 1, January 1 or April 1, as applicable.

23 **Sec. 29.** NRS 387.195 is hereby amended to read as follows:

24 387.195 1. Each board of county commissioners shall levy a
25 tax of 75 cents on each \$100 of assessed valuation of taxable
26 property within the county for the support of the *system of* public
27 ~~[schools]~~ *education* within the county school district.

28 2. The tax collected pursuant to subsection 1 on any assessed
29 valuation attributable to the net proceeds of minerals must not be
30 considered as available to pay liabilities of the fiscal year in which
31 the tax is collected but must be deferred for use in the subsequent
32 fiscal year. The annual budget for the school district must only
33 consider as an available source the tax on the net proceeds of
34 minerals which was collected in the prior year.

35 3. In addition to any tax levied in accordance with subsection
36 1, each board of county commissioners shall levy a tax for the
37 payment of interest and redemption of outstanding bonds of the
38 county school district.

39 4. The tax collected pursuant to subsection 1 and any interest
40 earned from the investment of the proceeds of that tax must be
41 credited to the county's school district fund.

42 5. The tax collected pursuant to subsection 3 and any interest
43 earned from the investment of the proceeds of that tax must be
44 credited to the county school district's debt service fund.



1 **Sec. 30.** NRS 387.210 is hereby amended to read as follows:

2 387.210 Except when the board of trustees of a county school
3 district elects to establish a separate account under the provisions of
4 NRS 354.603, each county treasurer shall:

5 1. Receive and hold as a special deposit all *money for the*
6 *system of* public ~~[school moneys.]~~ *education*, whether received by
7 him from the State Treasurer or raised by the county for the benefit
8 of the *system of* public ~~[schools.]~~ *education*, or from any other
9 source, and keep separate accounts thereof and of their
10 disbursements.

11 2. Pay over all *money for the system of* public ~~[school moneys]~~
12 *education* received by him only on warrants of the county auditor,
13 issued upon orders of the board of trustees of the county school
14 district. All orders issued in accordance with law by the board of
15 trustees ~~[shall be]~~ *are* valid vouchers in the hands of the county
16 auditors for warrants drawn upon such orders.

17 **Sec. 31.** NRS 387.225 is hereby amended to read as follows:

18 387.225 ~~[No]~~ A tax collector or county treasurer shall *not*
19 receive any fees or compensation whatever for collecting, receiving,
20 keeping, transporting or disbursing any *money for the system of*
21 public ~~[school moneys.]~~ *education*.

22 **Sec. 32.** NRS 388.040 is hereby amended to read as follows:

23 388.040 1. Except as otherwise provided in subsection 2, the
24 board of trustees of a school district that includes more than one
25 school which offers instruction in the same grade or grades may
26 zone the school district and determine which pupils ~~[shall]~~
27 attend each school.

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

30 (a) *Charter school; or*

31 (b) *Public school outside the zone of attendance that the pupil*
32 *is otherwise required to attend if the board of trustees of a school*
33 *district approves an application for the pupil to attend another*
34 *public school pursuant to section 34 of this act.*

35 **Sec. 33.** NRS 388.150 is hereby amended to read as follows:

36 388.150 1. No books, tracts or papers of a sectarian or
37 denominational character may be used or introduced in any public
38 school established pursuant to the provisions of this title of NRS,
39 nor may any sectarian or denominational doctrines be taught in any
40 public school.

41 2. Any school district or charter school whose officers
42 knowingly allow any public schools to be taught in violation of this
43 section forfeits all right to any *money for the system of* public
44 ~~[school funds-~~

45 ~~—3.— Nothing in this section prohibits] education.~~



1 **3. This section does not prohibit** a school district or charter
2 school from complying with applicable federal laws, such as the
3 Equal Access Act, 20 U.S.C. §§ 4071 et seq.

4 **Sec. 34.** Chapter 392 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 **1. Except as otherwise provided in subsection 8, the parents,**
7 **legal guardian or custodial parent of a pupil enrolled in a public**
8 **school may submit an application for the pupil to attend another**
9 **public school, including, without limitation, a magnet school, if**
10 **the pupil is:**

11 **(a) Enrolled in or otherwise scheduled to attend a public**
12 **school that has carried a designation as demonstrating need for**
13 **improvement pursuant to NRS 385.3623 for 1 or more consecutive**
14 **years; or**

15 **(b) From a family of low income.**

16 **2. An application submitted pursuant to subsection 1 may**
17 **request that a pupil attend a public school, including, without**
18 **limitation, a magnet school, that is located:**

19 **(a) Within the county in which the pupil resides but outside the**
20 **zone of attendance established pursuant to NRS 388.040 that the**
21 **pupil is required to attend; or**

22 **(b) In another school district in this State.**

23 **3. An application for enrollment in a public school pursuant**
24 **to this section must be submitted to the board of trustees of the**
25 **school district that the pupil wishes to attend on a form provided**
26 **by the board of trustees. The board of trustees of each school**
27 **district shall prescribe the deadline for the submission of**
28 **applications, which must not be sooner than 3 months before the**
29 **commencement of a school year.**

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



1 5. *If the board of trustees of a school district approves an*
2 *application, the board of trustees shall provide written notice of*
3 *the approval to:*

4 (a) *The person who submitted the application on behalf of the*
5 *pupil;*

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

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

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

12 6. *A pupil may remain in the public school for succeeding*
13 *school years without submitting an application pursuant to this*
14 *section if space for the pupil is available. If space for the pupil is*
15 *not available in that public school, he may return to the public*
16 *school that he is otherwise required to attend or submit an*
17 *application pursuant to this section to attend another public*
18 *school.*

19 7. *If a pupil attends a public school pursuant to this section:*

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

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

34 (c) *Neither the board of trustees of the school district in which*
35 *the pupil attends school nor the board of trustees of the school*
36 *district in which the pupil resides is required to provide*
37 *transportation for the pupil to attend the public school.*

38 8. *The provisions of this section do not apply:*

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

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

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



1 (d) *For enrollment in a public school pursuant to NRS*
2 *392.010 or 392.015.*

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

5 9. *As used in this section:*

6 (a) *“Family of low income” means a family with a monthly*
7 *household income that is at or below the federally designated level*
8 *signifying poverty.*

9 (b) *“Magnet school” means a school that offers courses of*
10 *study and programs which:*

11 (1) *Are designed to serve the special talents and academic*
12 *abilities of pupils; or*

13 (2) *Emphasize a particular area, field or topic of*
14 *instruction.*

15 **Sec. 35.** NRS 392.010 is hereby amended to read as follows:

16 392.010 Except as to the attendance of a pupil pursuant to NRS
17 388.820 to 388.874, inclusive, or 392.015 ~~§~~ *or section 34 of this*
18 *act*, or a pupil who is ineligible for attendance pursuant to NRS
19 392.4675 and except as otherwise provided in NRS 392.264
20 and 392.268:

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

23 (a) Admit to the school or schools of the school district any
24 pupil or pupils living in an adjoining school district within this State
25 or in an adjoining state when the school district of residence in the
26 adjoining state adjoins the receiving Nevada school district; or

27 (b) Pay tuition for pupils residing in the school district but who
28 attend school in an adjoining school district within this State or in an
29 adjoining state when the receiving district in the adjoining state
30 adjoins the school district of Nevada residence.

31 2. With the approval of the Superintendent of Public
32 Instruction, the board of trustees of the school district in which the
33 pupil or pupils reside and the board of trustees of the school district
34 in which the pupil or pupils attend school shall enter into an
35 agreement providing for the payment of such tuition as may be
36 agreed upon, but transportation costs must be paid by the board of
37 trustees of the school district in which the pupil or pupils reside:

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

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

42 3. In addition to the provisions for the payment of tuition and
43 transportation costs for pupils admitted to an adjoining school
44 district as provided in subsection 2, the agreement may contain
45 provisions for the payment of reasonable amounts of money to



1 defray the cost of operation, maintenance and depreciation of capital
2 improvements which can be allocated to such pupils.

3 **Sec. 36.** NRS 392.070 is hereby amended to read as follows:

4 392.070 1. Attendance required by the provisions of NRS
5 392.040 must be excused when satisfactory written evidence is
6 presented to the board of trustees of the school district in which the
7 child resides that the child is ~~receiving~~ :

8 (a) *Receiving* at home or in some other school equivalent
9 instruction of the kind and amount approved by the State Board.

10 (b) *Participating in the Program of Voucher Schools pursuant*
11 *to sections 2 to 16, inclusive, of this act and enrolled in a voucher*
12 *school.*

13 2. The board of trustees of each school district shall provide
14 programs of special education and related services for
15 homeschooled children. The programs of special education and
16 related services required by this section must be made available:

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

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

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

28 3. Except as otherwise provided in subsection 2 for programs
29 of special education and related services, upon the request of a
30 parent or legal guardian of a child who is enrolled in a private
31 school or a parent or legal guardian of a homeschooled child, the
32 board of trustees of the school district in which the child resides
33 shall authorize the child to participate in a class that is not available
34 to the child at the private school or home school or participate in an
35 extracurricular activity, excluding sports, at a public school within
36 the school district if:

37 (a) Space for the child in the class or extracurricular activity is
38 available; and

39 (b) The parent or legal guardian demonstrates to the satisfaction
40 of the board of trustees that the child is qualified to participate in the
41 class or extracurricular activity.

42 ➤ If the board of trustees of a school district authorizes a child to
43 participate in a class or extracurricular activity, excluding sports,
44 pursuant to this subsection, the board of trustees is not required to
45 provide transportation for the child to attend the class or activity. A



1 homeschooled child must be allowed to participate in interscholastic
2 activities and events pursuant to NRS 386.420 to 386.470, inclusive.

3 4. The board of trustees of a school district may revoke its
4 approval for a pupil to participate in a class or extracurricular
5 activity at a public school pursuant to subsection 3 if the board of
6 trustees or the public school determines that the pupil has failed to
7 comply with applicable statutes, or applicable rules and regulations
8 of the board of trustees. If the board of trustees revokes its approval,
9 neither the board of trustees nor the public school ~~are~~ *is* liable for
10 any damages relating to the denial of services to the pupil.

11 5. The programs of special education and related services
12 required by subsection 2 may be offered at a public school or
13 another location that is appropriate.

14 6. The Department may adopt such regulations as are necessary
15 for the boards of trustees of school districts to provide the programs
16 of special education and related services required by subsection 2.

17 7. As used in this section, "related services" has the meaning
18 ascribed to it in 20 U.S.C. § 1401(22).

19 **Sec. 37.** NRS 392.466 is hereby amended to read as follows:

20 392.466 1. Except as otherwise provided in this section, any
21 pupil who commits a battery which results in the bodily injury of an
22 employee of the school or who sells or distributes any controlled
23 substance while on the premises of any public school, at an activity
24 sponsored by a public school or on any school bus must, for the first
25 occurrence, be suspended or expelled from that school, although he
26 may be placed in another kind of school, for at least a period equal
27 to one semester for that school. For a second occurrence, the pupil
28 must:

29 (a) Be permanently expelled from that school; and

30 (b) Receive equivalent instruction authorized by the State Board
31 pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

32 2. Except as otherwise provided in this section, any pupil who
33 is found in possession of a firearm or a dangerous weapon while on
34 the premises of any public school, at an activity sponsored by a
35 public school or on any school bus must, for the first occurrence, be
36 expelled from the school for a period of not less than 1 year,
37 although he may be placed in another kind of school for a period not
38 to exceed the period of the expulsion. For a second occurrence, the
39 pupil must:

40 (a) Be permanently expelled from the school; and

41 (b) Receive equivalent instruction authorized by the State Board
42 pursuant to *paragraph (a) of* subsection 1 of NRS 392.070.

43 ➤ The superintendent of schools of a school district may, for good
44 cause shown in a particular case in that school district, allow a



1 modification to the expulsion requirement of this subsection if such
2 modification is set forth in writing.

3 3. Except as otherwise provided in this section, if a pupil is
4 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
5 the pupil must be suspended or expelled from the school for a period
6 equal to at least one semester for that school. For the period of his
7 suspension or expulsion, the pupil must receive equivalent
8 instruction authorized by the State Board pursuant to *paragraph (a)*
9 *of* subsection 1 of NRS 392.070.

10 4. This section does not prohibit a pupil from having in his
11 possession a knife or firearm with the approval of the principal of
12 the school. A principal may grant such approval only in accordance
13 with the policies or regulations adopted by the board of trustees of
14 the school district.

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

22 6. A pupil who is participating in a program of special
23 education pursuant to NRS 388.520, other than a pupil who is gifted
24 and talented, may, in accordance with the procedural policy adopted
25 by the board of trustees of the school district for such matters, be:

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

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

36 7. As used in this section:

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

39 (b) "Dangerous weapon" includes, without limitation, a
40 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
41 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
42 NRS 202.350, a butterfly knife or any other knife described in NRS
43 202.350, or any other object which is used, or threatened to be used,
44 in such a manner and under such circumstances as to pose a threat
45 of, or cause, bodily injury to a person.



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

5 **Sec. 38.** NRS 394.103 is hereby amended to read as follows:

6 394.103 "Private schools" means private elementary and
7 secondary educational institutions. The term does not include a
8 home in which instruction is provided to a child who is excused
9 from compulsory attendance pursuant to *paragraph (a) of*
10 subsection 1 of NRS 392.070.

11 **Sec. 39.** NRS 394.130 is hereby amended to read as follows:

12 394.130 1. In order to secure uniform and standard work for
13 pupils in private schools in this State, instruction in the subjects
14 required by law for pupils in the public schools ~~[shall]~~ *must* be
15 required of pupils receiving instruction in such private schools,
16 either under the regular state courses of study prescribed by the
17 State Board ~~[of Education]~~ or under courses of study prepared by
18 such private schools and approved by the State Board . ~~[of~~
19 ~~Education.]~~

20 2. Such private schools ~~[shall]~~ *must* be required to furnish from
21 time to time such reports as the Superintendent of Public Instruction
22 may find necessary as to enrollment, attendance and general
23 progress within such schools.

24 3. ~~[Nothing in this section shall be so construed as:]~~ *This*
25 *section is not intended:*

26 (a) To interfere with the right of the proper authorities having
27 charge of private schools to give religious instruction to the pupils
28 enrolled therein.

29 (b) ~~[To]~~ *Except as otherwise provided in section 16 of this act,*
30 *to* give such private schools any right to share in the *money for the*
31 *system of* public ~~[school funds]~~ *education* apportioned for the
32 support of the *system of* public ~~[schools]~~ *education* of this State.

33 **Sec. 40.** NRS 41.0305 is hereby amended to read as follows:

34 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term
35 "political subdivision" includes an organization that was officially
36 designated as a community action agency pursuant to 42 U.S.C. §
37 2790 before that section was repealed and is included in the
38 definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the
39 Nevada Rural Housing Authority, an airport authority created by
40 special act of the Legislature, a regional transportation commission
41 and a fire protection district, irrigation district, school district,
42 governing body of a charter school and other special district that
43 performs a governmental function, even though it does not exercise
44 general governmental powers. *The term does not include a voucher*



1 *school that is operating pursuant to sections 2 to 16, inclusive, of*
2 *this act.*

3 **Sec. 41.** NRS 62A.240 is hereby amended to read as follows:

4 62A.240 "Private school" includes private elementary and
5 secondary educational institutions. The term does not include a
6 home in which instruction is provided to a child who is excused
7 from compulsory attendance pursuant to *paragraph (a) of*
8 subsection 1 of NRS 392.070 or a school or educational program
9 that is conducted exclusively for children who have been
10 adjudicated delinquent.

11 **Sec. 42.** NRS 241.015 is hereby amended to read as follows:

12 241.015 As used in this chapter, unless the context otherwise
13 requires:

14 1. "Action" means:

15 (a) A decision made by a majority of the members present
16 during a meeting of a public body;

17 (b) A commitment or promise made by a majority of the
18 members present during a meeting of a public body;

19 (c) If a public body may have a member who is not an elected
20 official, an affirmative vote taken by a majority of the members
21 present during a meeting of the public body; or

22 (d) If all the members of a public body must be elected officials,
23 an affirmative vote taken by a majority of all the members of the
24 public body.

25 2. "Meeting":

26 (a) Except as otherwise provided in paragraph (b), means:

27 (1) The gathering of members of a public body at which a
28 quorum is present to deliberate toward a decision or to take action
29 on any matter over which the public body has supervision, control,
30 jurisdiction or advisory power.

31 (2) Any series of gatherings of members of a public body at
32 which:

33 (I) Less than a quorum is present at any individual
34 gathering;

35 (II) The members of the public body attending one or
36 more of the gatherings collectively constitute a quorum; and

37 (III) The series of gatherings was held with the specific
38 intent to avoid the provisions of this chapter.

39 (b) Does not include a gathering or series of gatherings of
40 members of a public body, as described in paragraph (a), at which a
41 quorum is actually or collectively present:

42 (1) Which occurs at a social function if the members do not
43 deliberate toward a decision or take action on any matter over which
44 the public body has supervision, control, jurisdiction or advisory
45 power.



1 (2) To receive information from the attorney employed or
2 retained by the public body regarding potential or existing litigation
3 involving a matter over which the public body has supervision,
4 control, jurisdiction or advisory power and to deliberate toward a
5 decision on the matter, or both.

6 3. Except as otherwise provided in this subsection, "public
7 body" means any administrative, advisory, executive or legislative
8 body of the State or a local government which expends or disburses
9 or is supported in whole or in part by tax revenue or which
10 advises or makes recommendations to any entity which expends or
11 disburses or is supported in whole or in part by tax revenue,
12 including, but not limited to, any board, commission, committee,
13 subcommittee or other subsidiary thereof and includes an
14 educational foundation as defined in subsection 3 of NRS 388.750
15 and a university foundation as defined in subsection 3 of NRS
16 396.405. "Public body" does not include ~~the~~ :

17 (a) *The* Legislature of the State of Nevada.

18 (b) *A voucher school that is operating pursuant to sections 2 to*
19 *16, inclusive, of this act.*

20 4. "Quorum" means a simple majority of the constituent
21 membership of a public body or another proportion established by
22 law.

23 **Sec. 43.** Chapter 244 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 *1. A board of county commissioners may exercise the right of*
26 *veto upon all matters passed by the board of trustees of the school*
27 *district that is located in the county. Such a veto:*

28 (a) *Must be made within 30 days after the matter is passed by*
29 *the board of trustees; and*

30 (b) *Requires a resolution adopted by a majority vote of the*
31 *elected members of the board of county commissioners.*

32 *2. If a board of county commissioners does not exercise its*
33 *right of veto pursuant to subsection 1 within 30 days after the*
34 *matter is passed by the board of trustees of the school district,*
35 *the matter goes into effect unless a city exercises its veto over the*
36 *matter pursuant to section 44 or 45 of this act.*

37 *3. If a board of county commissioners exercises its right of*
38 *veto pursuant to subsection 1, the board shall provide written*
39 *notice to the board of trustees of the school district within 3*
40 *business days after vetoing the matter, including, without*
41 *limitation, the reasons for the veto. 4. Not later than 30 days*
42 *after the board of trustees of a school district receives written*
43 *notice pursuant to subsection 3, the board of trustees may hold a*
44 *properly scheduled meeting to consider the reasons for the veto*



1 *and to revise the matter initially passed by the board of trustees. If*
2 *the board of trustees makes revisions:*

3 (a) *The board of trustees shall submit the revisions to the*
4 *board of county commissioners for its review.*

5 (b) *Not later than 30 days after submission of the revisions, the*
6 *board of county commissioners shall vote whether to rescind its*
7 *veto based upon the revisions.*

8 **Sec. 44.** Chapter 266 of NRS is hereby amended by adding
9 thereto a new section to read as follows:

10 1. *A city council may exercise the right of veto upon all*
11 *matters passed by a board of trustees of a school district pertaining*
12 *to the public schools that are located in part or in whole within the*
13 *boundaries of the city. Such a veto:*

14 (a) *Must be made within 30 days after the matter is passed by*
15 *the board of trustees; and*

16 (b) *Requires a resolution adopted by a majority vote of the*
17 *elected members of the city council.*

18 2. *If a city council does not exercise its right of veto pursuant*
19 *to subsection 1 within 30 days after the matter is passed by the*
20 *board of trustees of the school district, the matter goes into effect*
21 *unless another entity exercises its veto over the matter pursuant to*
22 *this section or section 43 or 45 of this act.*

23 3. *If a city council exercises its right of veto pursuant to*
24 *subsection 1, the city council shall provide written notice to the*
25 *board of trustees of the school district within 3 business days after*
26 *vetoing the matter, including, without limitation, the reasons for*
27 *the veto.*

28 4. *Not later than 30 days after the board of trustees of a*
29 *school district receives written notice pursuant to subsection 3, the*
30 *board of trustees may hold a properly scheduled meeting to*
31 *consider the reasons for the veto and to revise the matter initially*
32 *passed by the board of trustees. If the board of trustees makes*
33 *revisions:*

34 (a) *The board of trustees shall submit the revisions to the city*
35 *council for its review.*

36 (b) *Not later than 30 days after submission of the revisions, the*
37 *city council shall vote whether to rescind its veto based upon the*
38 *revisions.*

39 **Sec. 45.** Chapter 268 of NRS is hereby amended by adding
40 thereto a new section to read as follows:

41 1. *The governing body of a city may exercise the right of a*
42 *veto upon all matters passed by the board of trustees of a school*
43 *district pertaining to the public schools that are located in part or*
44 *in whole within the jurisdiction of the city. Such a veto:*



1 (a) *Must be made within 30 days after the matter is passed by*
2 *the board of trustees; and*

3 (b) *Requires a resolution adopted by a majority vote of the*
4 *elected members of the governing body.*

5 2. *If a governing body does not exercise its right of veto*
6 *pursuant to subsection 1 within 30 days after the matter is passed*
7 *by the board of trustees of the school district, the matter goes into*
8 *effect unless another entity exercises its veto over the matter*
9 *pursuant to this section or section 43 or 44 of this act.*

10 3. *If a governing body exercises its right of veto pursuant to*
11 *subsection 1, the governing body shall provide written notice to the*
12 *board of trustees of the school district within 3 business days after*
13 *vetoing the matter, including, without limitation, the reasons for*
14 *the veto.*

15 4. *Not later than 30 days after the board of trustees of a*
16 *school district receives written notice pursuant to subsection 3, the*
17 *board of trustees may hold a properly scheduled meeting to*
18 *consider the reasons for the veto and to revise the matter initially*
19 *passed by the board of trustees. If the board of trustees makes*
20 *revisions:*

21 (a) *The board of trustees shall submit the revisions to the*
22 *governing body for its review.*

23 (b) *Not later than 30 days after submission of the revisions, the*
24 *governing body shall vote whether to rescind its veto based upon*
25 *the revisions.*

26 **Sec. 46.** NRS 286.070 is hereby amended to read as follows:

27 286.070 1. "Public employer" means the State, one of its
28 agencies or one of its political subdivisions, the System, irrigation
29 districts created under the laws of the State of Nevada, a public or
30 quasi-public organization or agency that is funded, at least in part,
31 by public money, including a regional transportation commission, a
32 governing body of a charter school and a council of governments
33 created pursuant to the laws of the State of Nevada. *The term does*
34 *not include a voucher school that is operating pursuant to sections*
35 *2 to 16, inclusive, of this act.*

36 2. State agencies are those agencies subject to state control and
37 supervision, including those whose employees are governed by
38 chapter 284 of NRS, unless specifically exempted therefrom, and
39 those which deposit money with the State Treasurer.

40 **Sec. 47.** On or before January 1, 2006, the State Board of
41 Education shall adopt regulations required by section 8 of this act.
42 The State Board shall ensure that the regulations carry out the
43 Program of Voucher Schools in accordance with sections 2 to 16,
44 inclusive, of this act beginning with the 2006-2007 school year.



1 **Sec. 48.** A private school certified by the Department of
2 Education pursuant to section 10 of this act may commence
3 operation as a voucher school beginning with the 2006-2007 school
4 year.

5 **Sec. 49.** 1. The term of the Superintendent of Public
6 Instruction who was appointed pursuant to NRS 385.150 to a term
7 expiring in 2007 continues to serve for the remainder of the
8 unexpired term. If a vacancy occurs before the expiration of that
9 term, the State Board of Education shall appoint a Superintendent of
10 Public Instruction in accordance with section 17 of this act for the
11 remainder of the unexpired term.

12 2. The State Board of Education shall appoint a Superintendent
13 of Public Instruction pursuant to section 17 of this act commencing
14 with the term that begins in 2007.

15 **Sec. 50.** 1. This section and sections 1, 17, 18, 19, 32, 34,
16 35, 43, 44, 45, 47, 48 and 49 of this act become effective on July 1,
17 2005.

18 2. Section 8 of this act becomes effective on July 1, 2005, for
19 the purpose of adopting regulations and on July 1, 2006, for all other
20 purposes.

21 3. Sections 2 to 7, inclusive, 9 to 16, inclusive, 20 to 31,
22 inclusive, 33, 36 to 42, inclusive, and 46 of this act become effective
23 on July 1, 2006.



