
ASSEMBLY BILL NO. 180—ASSEMBLYWOMAN BACKUS

FEBRUARY 18, 2019

Referred to Committee on Education

SUMMARY—Revises provisions governing the transportation of certain children to school. (BDR 34-692)

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

CONTAINS UNFUNDED MANDATE (§§ 1, 4, 5)
(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; imposing certain requirements concerning the transportation of pupils who reside in a child care institution and pupils with disabilities; creating a rebuttable presumption that it is in the best interests of a child in foster care to enroll in the junior high school, middle school or high school in which pupils enrolled in his or her school of origin generally enroll; providing that the failure of a local education agency to furnish transportation to pupils does not affect the duties of the local education agency concerning the transportation of children in foster care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of trustees of a school district to furnish transportation to children in the school district attending a public school. (NRS 386.790) **Section 1** of this bill requires the board of trustees of a school district to ensure that: (1) each school district vehicle that provides transportation to pupils who reside in a child care institution picks up and drops off those pupils when other pupils are not present in the vehicle; and (2) pupils with disabilities are transported in the same manner as other pupils and are integrated with other pupils when using transportation provided by the school district. **Section 2** of this bill makes a conforming change.

Existing law: (1) requires an agency which provides child welfare services to determine whether it is in the best interests of a child in foster care to remain in his or her school of origin; and (2) establishes a rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin. (NRS 388E.105)



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14 Existing law also requires an agency which provides child welfare services and a
15 local education agency to provide transportation of a child in foster care to his or
16 her school of origin until the end of the school year during which the child leaves
17 foster care. (NRS 388E.125) **Section 4** of this bill additionally requires an agency
18 which provides child welfare services to determine whether it is in the best interests
19 of a child in foster care to enroll in the junior high school, middle school or high
20 school in which pupils enrolled in his or her school of origin generally enroll.
21 **Section 4** provides that there is also a rebuttable presumption that is in the child's
22 best interests to enroll in such a school. **Section 5** of this bill requires the agency
23 which provides child welfare services and local education agency to provide a child
24 in foster care with transportation to any such school. **Section 5** also provides that
25 the failure of a local education agency to provide transportation to pupils generally
26 does not affect the obligations of the local education agency concerning the
27 transportation of a child in foster care. **Section 3** of this bill makes a conforming
28 change.

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

1 **Section 1.** Chapter 386 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The board of trustees of a school district shall ensure that:*

4 *1. Each school bus or other vehicle belonging to the school*
5 *district that provides transportation to a pupil who resides in a*
6 *child care institution, as defined in NRS 432A.0245, picks up from*
7 *and drops off at the child care institution that pupil when other*
8 *pupils who do not reside in the child care institution are not*
9 *present in the vehicle; and*

10 *2. Pupils with disabilities are transported in the same manner*
11 *as other pupils and are integrated with other pupils when using*
12 *transportation provided by the school district.*

13 **Sec. 2.** NRS 386.815 is hereby amended to read as follows:

14 386.815 1. A board of trustees of a school district may permit
15 school buses or vehicles belonging to the school district to be used
16 for the transportation of public school pupils to and from:

- 17 (a) Interscholastic contests;
18 (b) School festivals; or
19 (c) Other activities properly a part of a school program.

20 2. In addition to the use of school buses and vehicles
21 authorized pursuant to subsection 1, the board of trustees of a school
22 district may permit school buses and vehicles belonging to the
23 school district to be used for the transportation of children to and
24 from:

- 25 (a) Programs for the supervision of children before and after
26 school; and
27 (b) Other programs or activities that the board of trustees deems
28 appropriate,



1 ↪ regardless of whether such programs or activities are part of a
2 school program.

3 3. The use of school buses or vehicles belonging to the school
4 district for the purposes enumerated in subsections 1 and 2 is
5 governed by regulations made by the board of trustees, which must
6 not conflict with regulations of the State Board. Proper supervision
7 for each vehicle so used must be furnished by school authorities,
8 and each school bus must be operated by a driver qualified under the
9 provisions of NRS 386.790 to 386.840, inclusive ~~[]~~, *and section 1*
10 *of this act.*

11 4. A driver shall not operate a vehicle for the purposes
12 enumerated in subsections 1 and 2 for more than 10 hours in a 15-
13 hour period. The time spent operating, inspecting, loading,
14 unloading, repairing and servicing the vehicle and waiting for
15 passengers must be included in determining the 15-hour period.
16 After 10 hours of operating a vehicle, the driver must rest for 10
17 hours before he or she again operates a vehicle for such purposes.

18 5. Before January 1, 1984, the State Board shall adopt
19 regulations to carry out the provisions of subsection 4.

20 **Sec. 3.** NRS 388.040 is hereby amended to read as follows:

21 388.040 1. Except as otherwise provided in subsection 2, the
22 board of trustees of a school district that includes more than one
23 school which offers instruction in the same grade or grades may
24 zone the school district and determine which pupils must attend
25 each school.

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

28 (a) Charter school;

29 (b) University school for profoundly gifted pupils;

30 (c) Public school outside the zone of attendance that the pupil is
31 otherwise required to attend if the pupil is a child in foster care ~~[who~~
32 ~~is remaining in his or her school of origin]~~ *and has been enrolled in*
33 *the school as a result of a determination* pursuant to NRS
34 388E.105; or

35 (d) Public school outside the zone of attendance that the pupil is
36 otherwise required to attend if the pupil has been issued a fictitious
37 address pursuant to NRS 217.462 to 217.471, inclusive, or the
38 parent or legal guardian with whom the pupil resides has been
39 issued a fictitious address pursuant to NRS 217.462 to 217.471,
40 inclusive.

41 **Sec. 4.** NRS 388E.105 is hereby amended to read as follows:

42 388E.105 1. When a child enters foster care or changes
43 placement while in foster care, the agency which provides child
44 welfare services to the child shall determine whether it is in the best
45 interests of the child for the child to remain in his or her school of



1 origin. In making this determination, there is a rebuttable
2 presumption that it is in the best interests of the child to remain in
3 his or her school of origin.

4 2. *If the agency which provides child welfare services*
5 *determines that it is in the best interests of a child to remain in his*
6 *or her school of origin pursuant to subsection 1, the agency must*
7 *determine whether it is also in the best interests of the child to*
8 *enroll in the junior high school, middle school or high school in*
9 *which pupils enrolled in his or her school of origin generally*
10 *enroll. In making this determination, there is a rebuttable*
11 *presumption that it is in the best interests of the child to enroll in*
12 *such a junior high school, middle school or high school.*

13 3. In determining whether it is in the best interests of a child in
14 foster care to remain in his or her school of origin ~~{}~~ *or enroll in the*
15 *junior high school, middle school or high school in which pupils*
16 *enrolled in his or her school of origin generally enroll*, the agency
17 which provides child welfare services, in consultation with the local
18 education agency, must consider, without limitation:

19 (a) The wishes of the child;

20 (b) The educational success, stability and achievement of the
21 child;

22 (c) Any individualized education program or academic plan
23 developed for the child;

24 (d) Whether the child has been identified as an English learner;

25 (e) The health and safety of the child;

26 (f) The availability of necessary services for the child at the
27 school of origin ~~{}~~ *or the junior high school, middle school or*
28 *high school, as applicable;* and

29 (g) Whether the child has a sibling enrolled in the school of
30 origin ~~{}~~ *or the junior high school, middle school or high school,*
31 *as applicable.*

32 ↪ The costs of transporting the child to the school of origin *or the*
33 *junior high school, middle school or high school, as applicable,*
34 must not be considered when determining whether it is in the best
35 interests of the child to remain at his or her school of origin ~~{}~~ *or*
36 *enroll in the junior high school, middle school or high school in*
37 *which pupils enrolled in his or her school of origin generally*
38 *enroll.*

39 ~~{3}~~ 4. If the agency which provides child welfare services
40 determines that it is in the best interests of a child in foster care to
41 attend a public school other than the child's school of origin:

42 (a) The agency which provides child welfare services must:

43 (1) Provide written notice of its determination to every
44 interested party as soon as practicable; and



1 (2) In collaboration with the local education agency, ensure
2 that the child is immediately enrolled in that public school; and

3 (b) The public school may not refuse to enroll the child on
4 the basis that the public school does not have:

5 (1) A certificate stating that the child has been immunized
6 and has received proper boosters for that immunization;

7 (2) A birth certificate or other document suitable as proof of
8 the child's identity;

9 (3) A copy of the child's records from the school the child
10 most recently attended; or

11 (4) Any other documentation required by a policy adopted by
12 the public school or the local education agency.

13 **Sec. 5.** NRS 388E.125 is hereby amended to read as follows:

14 388E.125 1. If the agency which provides child welfare
15 services to a child has determined pursuant to NRS 388E.105 that it
16 is in the best interests of the child to remain in his or her school of
17 origin **[H] or enroll in the junior high school, middle school or high**
18 **school in which pupils enrolled in his or her school of origin**
19 **generally enroll**, the agency which provides child welfare services
20 and the local education agency must provide the child with
21 transportation to the school of origin **[H], junior high school, middle**
22 **school or high school, as applicable:**

23 (a) For the entire time that the child is in foster care; and

24 (b) Until the end of the school year during which the child
25 leaves foster care.

26 2. The agency which provides child welfare services and the
27 local education agency are jointly responsible for the costs of
28 transportation of a child to the child's school of origin **or the junior**
29 **high school, middle school or high school in which the child is**
30 **enrolled pursuant to NRS 388E.105** unless the agency which
31 provides child welfare services and the local education agency
32 mutually agree otherwise.

33 3. If a dispute arises between the agency which provides child
34 welfare services and the local education agency that is related to the
35 transportation of a child in foster care to the child's school of origin
36 **[H] or the junior high school, middle school or high school in**
37 **which the child is enrolled pursuant to NRS 388E.105**, including,
38 without limitation, a dispute related to the costs of transportation,
39 and the dispute is not resolved within 5 business days, the juvenile
40 or family court with jurisdiction over the child must resolve the
41 dispute by court order within 5 business days.

42 4. If a dispute arises between the agency which provides child
43 welfare services and the local education agency that is related to the
44 transportation of a child in foster care, the agency which provides
45 child welfare services and the local education agency must provide



1 the child with transportation to the school of origin *or the junior*
2 *high school, middle school or high school in which the child is*
3 *enrolled pursuant to NRS 388E.105* until the dispute is resolved.

4 *5. A local education agency that does not furnish*
5 *transportation to pupils pursuant to NRS 386.790 is not relieved of*
6 *any duties of the local education agency prescribed by this section.*

7 **Sec. 6.** The provisions of NRS 354.599 do not apply to any
8 additional expenses of a local government that are related to the
9 provisions of this act.

10 **Sec. 7.** This act becomes effective on July 1, 2019.

