

SENATE BILL NO. 302—SENATOR HAMMOND

MARCH 16, 2015

Referred to Committee on Education

SUMMARY—Establishes a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to a certain percentage of the per-pupil amount apportioned to the resident school district of the child. (BDR 34-567)

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 a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to a certain percentage of the per-pupil amount apportioned to the resident school district of the child; providing for the amount of each grant to be deducted from the total apportionment to the school district; providing a child who receives a grant and is not enrolled in a private school with certain rights and responsibilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each child between the ages of 7 and 18 years to attend a
2 public school of the State, attend a private school or be homeschooled. (NRS
3 392.040, 392.070) Existing law also provides for each school district to receive
4 certain funding from local sources and to receive from the State an apportionment
5 per pupil of basic support for the schools in the school district. (NRS 387.1235,
6 387.124) This bill establishes a program by which a child enrolled in a private
7 school may receive a grant of money in an amount equal to 90 percent, or, if the
8 child has special needs or a household income that is less than 185 percent of
9 the federally designated level signifying poverty, 100 percent, of the sum of the
10 amounts of local and basic support per pupil. **Sections 7 and 8** of this bill allow a
11 child to enroll part-time in a public school while receiving part of his or her



12 instruction from an entity that participates in the program to receive a partial grant.
13 Money from the grant may be used only for specified purposes.

14 **Section 7** of this bill authorizes the parent of a child who is required to attend
15 school and who has attended a public school for 100 consecutive school days to
16 enter into an agreement with the State Treasurer, according to which the child will
17 receive instruction from certain entities and receive the grant. Each agreement is
18 valid for 1 school year but may be terminated early and may be renewed for any
19 subsequent school year. Not entering into or renewing an agreement for any given
20 school year does not preclude the parent from entering into or renewing an
21 agreement for any subsequent year.

22 If such an agreement is entered into, an education savings account must be
23 opened by the parent on behalf of the child. Under **section 8** of this bill, for any
24 school year for which the agreement is entered into or renewed, the State Treasurer
25 must deposit the amount of the grant into the education savings account. **Section 8**
26 also allows any money remaining in an education savings account when the child
27 graduates high school to be used for postsecondary education in this State. Such
28 money reverts to the State General Fund 4 years after the date on which the child
29 graduated from high school if not used unless the State Treasurer extends the period
30 upon a showing of good cause. Under **section 16** of this bill, the amount of the
31 grant must be deducted from the total apportionment to the resident school district
32 of the child on whose behalf the grant is made. **Section 8** provides that the State
33 Treasurer may deduct from the amount of the grant not more than 3 percent for the
34 administrative costs of implementing the provisions of this bill.

35 **Section 9** of this bill lists the authorized uses of grant money deposited in an
36 education savings account. **Section 9** also prohibits certain refunds, rebates or
37 sharing of payments made from money in an education savings account.

38 Under **section 10** of this bill, the State Treasurer may qualify private financial
39 management firms to manage the education savings accounts. The State Treasurer
40 must establish reasonable fees for the management of the education savings
41 accounts. Those fees may be paid from the money deposited in an education
42 savings account.

43 **Section 11** of this bill provides requirements for a private school, college or
44 university, program of distance education, accredited tutor or tutoring facility or the
45 parent of a child to participate in the grant program established by this bill by
46 providing instruction to children on whose behalf the grants are made. The State
47 Treasurer may refuse to allow such an entity to continue to participate in the
48 program if the State Treasurer finds that the entity fails to comply with applicable
49 provisions of law or has failed to provide educational services to a child who is
50 participating in the program. **Section 16.2** of this bill authorizes a child who is
51 participating in the program to enroll in a program of distance education if the child
52 is only receiving a portion of his or her instruction from a participating entity.

53 Under **section 12** of this bill, each child on whose behalf a grant is made must
54 take certain standardized examinations in mathematics and English language arts.
55 Subject to applicable federal privacy laws, a participating entity must provide those
56 test results to the Department of Education, which must aggregate the results and
57 publish data on the results and on the academic progress of children on behalf of
58 whom grants are made. Under **section 13** of this bill, the State Treasurer must make
59 available a list of all entities who are participating in the grant program, other than
60 a parent of a child. **Section 13** also requires the Department to require resident
61 school districts to provide certain academic records to participating entities.

62 **Sections 15.1 and 16.4** of this bill provide that a child who participates in the
63 program but who does not enroll in a private school is an opt-in child. **Section 16.4**
64 requires the parent or guardian of such a child to notify the school district where the
65 child would otherwise attend.



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66 Existing law requires the parent of a homeschooled child who wishes to
 67 participate in activities at a public school, including a charter school, through a
 68 school district or through the Nevada Interscholastic Activities Association to file a
 69 notice of intent to participate with the school district in which the child resides.
 70 (NRS 386.430, 386.580, 392.705) **Section 16.5** of this bill enacts similar
 71 requirements for the parents of an opt-in child who wishes to participate with the
 72 school district. **Sections 15.2 and 15.3** of this bill authorize an opt-in child to
 73 participate in the Nevada Youth Legislature. **Sections 15.4-15.8 and 16.7** of this
 74 bill authorize an opt-in child to participate in activities at a public school, through a
 75 school district or through the Nevada Interscholastic Activities Association if the
 76 parent files a notice of intent to participate. **Section 16.6** of this bill requires an opt-
 77 in child who wishes to enroll in a public high school to provide proof
 78 demonstrating competency in courses required for promotion to high school similar
 79 to that required of a homeschooled child who wishes to enroll in a public high
 80 school.

81 **Section 14** of this bill provides that the provisions of this bill may not be
 82 deemed to infringe on the independence or autonomy of any private school or to
 83 make the actions of a private school the actions of the government of this State.
 84 **Section 15.9** of this bill exempts grants deposited in an education savings account
 85 from a prohibition on the use of public school funds for other purposes.

86 Existing law requires children who are suspended or expelled from a public
 87 school for certain reasons to enroll in a private school or program of independent
 88 study or be homeschooled. (NRS 392.466) **Section 16.8** of this bill authorizes such
 89 a child to be an opt-in child.

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

1 **Section 1.** Chapter 385 of NRS is hereby amended by adding
 2 thereto the provisions set forth as sections 2 to 15, inclusive, of this
 3 act.

4 **Sec. 2.** *As used in sections 2 to 15, inclusive, of this act,*
 5 *unless the context otherwise requires, the words and terms defined*
 6 *in sections 3 to 6, inclusive, of this act have the meanings ascribed*
 7 *to them in those sections.*

8 **Sec. 3.** *“Education savings account” means an account*
 9 *established for a child pursuant to section 7 of this act.*

10 **Sec. 3.5.** *“Eligible institution” means:*

11 *1. A university, state college or community college within the*
 12 *Nevada System of Higher Education; or*

13 *2. Any other college or university that:*

14 *(a) Was originally established in, and is organized under the*
 15 *laws of, this State;*

16 *(b) Is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3);*
 17 *and*

18 *(c) Is accredited by a regional accrediting agency recognized*
 19 *by the United States Department of Education.*



1 **Sec. 4.** *“Parent” means the parent, custodial parent, legal*
2 *guardian or other person in this State who has control or charge*
3 *of a child and the legal right to direct the education of the child.*

4 **Sec. 5.** *“Participating entity” means a private school that is*
5 *licensed pursuant to chapter 394 of NRS or exempt from such*
6 *licensing pursuant to NRS 394.211, an eligible institution, a*
7 *program of distance education that is not offered by a public*
8 *school or the Department, a tutor or tutoring agency or a parent*
9 *that has provided to the State Treasurer the application described*
10 *in subsection 1 of section 11 of this act.*

11 **Sec. 5.5.** *“Program of distance education” has the meaning*
12 *ascribed to it in NRS 388.829.*

13 **Sec. 6.** *“Resident school district” means the school district in*
14 *which a child would be enrolled based on his or her residence.*

15 **Sec. 7. 1.** *Except as otherwise provided in subsection 10,*
16 *the parent of any child required by NRS 392.040 to attend a public*
17 *school who has been enrolled in a public school in this State*
18 *during the period immediately preceding the establishment of an*
19 *education savings account pursuant to this section for not less*
20 *than 100 school days without interruption may establish an*
21 *education savings account for the child by entering into a written*
22 *agreement with the State Treasurer, in a manner and on a form*
23 *provided by the State Treasurer. The agreement must provide that:*

24 *(a) The child will receive instruction in this State from a*
25 *participating entity for the school year for which the agreement*
26 *applies;*

27 *(b) The child will receive a grant, in the form of money*
28 *deposited pursuant to section 8 of this act in the education savings*
29 *account established for the child pursuant to subsection 2;*

30 *(c) The money in the education savings account established*
31 *for the child must be expended only as authorized by section 9 of*
32 *this act; and*

33 *(d) The State Treasurer will freeze money in the education*
34 *savings account during any break in the school year, including*
35 *any break between school years.*

36 **2.** *If an agreement is entered into pursuant to subsection 1,*
37 *an education savings account must be established by the parent on*
38 *behalf of the child. The account must be maintained with a*
39 *financial management firm qualified by the State Treasurer*
40 *pursuant to section 10 of this act or with a bank or other financial*
41 *institution.*

42 **3.** *The failure to enter into an agreement pursuant to*
43 *subsection 1 for any school year for which a child is required by*
44 *NRS 392.040 to attend a public school does not preclude the*



1 *parent of the child from entering into an agreement for a*
2 *subsequent school year.*

3 *4. An agreement entered into pursuant to subsection 1 is*
4 *valid for 1 school year but may be terminated early. If the*
5 *agreement is terminated early, the child may not receive*
6 *instruction from a public school in this State until the end of the*
7 *period for which the last deposit was made into the education*
8 *savings account pursuant to section 8 of this act, except to the*
9 *extent the pupil was allowed to receive instruction from a public*
10 *school under the agreement.*

11 *5. An agreement terminates automatically if the child no*
12 *longer resides in this State. In such a case, any money remaining*
13 *in the education savings account of the child reverts to the State*
14 *General Fund.*

15 *6. An agreement may be renewed for any school year for*
16 *which the child is required by NRS 392.040 to attend a public*
17 *school. The failure to renew an agreement for any school year*
18 *does not preclude the parent of the child from renewing the*
19 *agreement for any subsequent school year.*

20 *7. A parent may enter into a separate agreement pursuant to*
21 *subsection 1 for each child of the parent. Not more than one*
22 *education savings account may be established for a child.*

23 *8. Except as otherwise provided in subsection 10, the State*
24 *Treasurer shall enter into or renew an agreement pursuant to this*
25 *section with any parent of a child required by NRS 392.040 to*
26 *attend a public school who applies to the State Treasurer in the*
27 *manner provided by the State Treasurer. The State Treasurer shall*
28 *make the application available on the Internet website of the State*
29 *Treasurer.*

30 *9. Upon entering into or renewing an agreement pursuant to*
31 *this section, the State Treasurer shall provide to the parent who*
32 *enters into or renews the agreement a written explanation of the*
33 *authorized uses, pursuant to section 9 of this act, of the money in*
34 *an education savings account and the responsibilities of the parent*
35 *and the State Treasurer pursuant to the agreement and sections 2*
36 *to 15, inclusive, of this act.*

37 *10. A parent may not establish an education savings account*
38 *for a child who will be homeschooled, who will receive instruction*
39 *outside this State or who will remain enrolled full-time in a public*
40 *school, regardless of whether such a child receives instruction*
41 *from a participating entity. A parent may establish an education*
42 *savings account for a child who receives a portion of his or her*
43 *instruction from a public school and a portion of his or her*
44 *instruction from a participating entity.*



1 **Sec. 8. 1. If a parent enters into or renews an agreement**
2 *pursuant to section 7 of this act, a grant of money on behalf of the*
3 *child must be deposited in the education savings account of the*
4 *child.*

5 **2. Except as otherwise provided in subsections 3 and 4, the**
6 *grant required by subsection 1 must, for the school year for which*
7 *the grant is made, be in an amount equal to:*

8 **(a) For a child with special needs or a child with a household**
9 *income that is less than 185 percent of the federally designated*
10 *level signifying poverty, 100 percent of the sum of the basic*
11 *support per pupil in the county in which the child resides, plus the*
12 *amount of local funds available per pupil pursuant to NRS*
13 *387.1235; and*

14 **(b) For all other children, 90 percent of the sum of the**
15 *basic support per pupil in the county in which the child resides*
16 *plus the amount of local funds available per pupil pursuant to*
17 *NRS 387.1235.*

18 **3. If a child receives a portion of his or her instruction from a**
19 *participating entity and a portion of his or her instruction from a*
20 *public school, for the school year for which the grant is made, the*
21 *grant required by subsection 1 must be in a pro rata based on*
22 *amount the percentage of the total instruction provided to the*
23 *child by the participating entity in proportion to the total*
24 *instruction provided to the child.*

25 **4. The State Treasurer may deduct not more than 3 percent of**
26 *each grant for the administrative costs of implementing the*
27 *provisions of sections 2 to 15, inclusive, of this act.*

28 **5. The State Treasurer shall deposit the money for each grant**
29 *in quarterly installments pursuant to a schedule determined by the*
30 *State Treasurer.*

31 **6. Any money remaining in an education savings account:**

32 **(a) At the end of a school year may be carried forward to the**
33 *next school year if the agreement entered into pursuant to section*
34 *7 of this act is renewed.*

35 **(b) When an agreement entered into pursuant to section 7 of**
36 *this act is not renewed or terminated while the child is still*
37 *required by NRS 392.040 to attend a public school, reverts to the*
38 *State General Fund at the end of the last day of the agreement.*

39 **(c) When the child for whom the account was established**
40 *graduates from high school, may be carried forward and used in*
41 *the manner authorized in section 9 of this act. Such money reverts*
42 *to the State General Fund 4 years after the date on which the child*
43 *graduates from high school if not used unless the State Treasurer*
44 *allows the money to be carried forward for a longer period upon a*
45 *showing of good cause. Good cause may be established if the*



1 *person for whom the account was established has been actively*
2 *servicing or participating in a charitable, religious or public service*
3 *assignment or mission and as a result was prevented from using*
4 *the money in the account within 4 years.*

5 *7. A child on whose behalf a grant is made pursuant to this*
6 *section must be counted in the enrollment of his or her resident*
7 *school district only for the purpose of calculating the amount*
8 *described in subsection 2.*

9 **Sec. 9. 1. Except as otherwise provided in subsection 2,**
10 **money deposited in an education savings account must be used**
11 **only to pay for:**

12 *(a) Tuition and fees at a school that is a participating entity in*
13 *which the child is enrolled;*

14 *(b) Textbooks required for a child who enrolls in a school that*
15 *is a participating entity;*

16 *(c) Tutoring or other teaching services provided by a tutor or*
17 *tutoring facility that is a participating entity;*

18 *(d) Tuition and fees for a program of distance education that*
19 *is a participating entity;*

20 *(e) Fees for any national norm-referenced achievement*
21 *examination, advanced placement or similar examination or*
22 *standardized examination required for admission to a college or*
23 *university;*

24 *(f) Payments to the Nevada Higher Education Prepaid Tuition*
25 *Trust Fund created by NRS 353B.140 pursuant to a prepaid*
26 *tuition contract entered into on behalf of the child or the Nevada*
27 *College Savings Trust Fund created by NRS 353B.340 pursuant to*
28 *a savings trust agreement entered into on behalf of the child;*

29 *(g) If the child is a pupil with a disability, as that term is*
30 *defined in NRS 388.440, fees for any special instruction or special*
31 *services provided to the child;*

32 *(h) Tuition and fees at an eligible institution that is a*
33 *participating entity;*

34 *(i) Textbooks required for the child at an eligible institution*
35 *that is a participating entity or to receive instruction from any*
36 *other participating entity;*

37 *(j) Fees for the management of the education savings account,*
38 *as described in section 10 of this act;*

39 *(k) Transportation required for the child to travel to and from*
40 *a participating entity or any combination of participating entities*
41 *up to but not to exceed \$750 per school year; or*

42 *(l) Purchasing a curriculum or any supplemental materials*
43 *required to administer the curriculum.*

44 **2. Money that is carried forward in an education savings**
45 **account after the child for whom the account was established**



1 *graduates from high school pursuant to section 8 of this act may*
2 *be used to pay for any postsecondary education that is provided by*
3 *an institution or entity located in this State.*

4 *3. A participating entity that receives a payment authorized by*
5 *subsection 1 shall not:*

6 *(a) Refund any portion of the payment to the parent who made*
7 *the payment, unless the refund is for an item that is being*
8 *returned or an item or service that has not been provided; or*

9 *(b) Rebate or otherwise share any portion of the payment with*
10 *the parent who made the payment.*

11 *4. A parent who receives a refund pursuant to subsection 3*
12 *shall deposit the refund in the education savings account from*
13 *which the money refunded was paid.*

14 *5. Nothing in this section shall be deemed to prohibit a parent*
15 *or child from making a payment for any tuition, fee, service or*
16 *product described in subsection 1 from a source other than the*
17 *education savings account of the child.*

18 **Sec. 10. 1. The State Treasurer shall qualify one or more**
19 **private financial management firms to manage education savings**
20 **accounts and shall establish reasonable fees, based on market**
21 **rates, for the management of education savings accounts.**

22 **2. An education savings account must be audited randomly**
23 **each year by a certified or licensed public accountant. The State**
24 **Treasurer may provide for additional audits of an education**
25 **savings account as it determines necessary.**

26 **3. If the State Treasurer determines that there has been**
27 **substantial misuse of the money in an education savings account,**
28 **the State Treasurer may:**

29 **(a) Freeze or dissolve the account, subject to any regulations**
30 **adopted by the State Treasurer providing for notice of such action**
31 **and opportunity to respond to the notice; and**

32 **(b) Give notice of his or her determination to the Attorney**
33 **General or the district attorney of the county in which the parent**
34 **resides.**

35 **Sec. 11. 1. The following persons may become a**
36 **participating entity by submitting an application demonstrating**
37 **that the person is:**

38 **(a) A private school licensed pursuant to chapter 394 of NRS**
39 **or exempt from such licensing pursuant to NRS 394.211;**

40 **(b) An eligible institution;**

41 **(c) A program of distance education that is not operated by a**
42 **public school or the Department;**

43 **(d) A tutor or tutoring facility that is accredited by a state,**
44 **regional or national accrediting organization; or**

45 **(e) The parent of a child.**



1 2. *The State Treasurer shall approve an application*
2 *submitted pursuant to subsection 1 or request additional*
3 *information to demonstrate that the person meets the criteria to*
4 *serve as a participating entity. If the applicant is unable to provide*
5 *such additional information, the State Treasurer may deny the*
6 *application.*

7 3. *If it is reasonably expected that a participating entity will*
8 *receive, from payments made from education savings accounts,*
9 *more than \$50,000 during any school year, the participating entity*
10 *shall annually, on or before the date prescribed by the State*
11 *Treasurer by regulation:*

12 (a) *Post a surety bond in an amount equal to the amount*
13 *reasonably expected to be paid to the participating entity from*
14 *education savings accounts during the school year; or*

15 (b) *Provide evidence satisfactory to the State Treasurer that*
16 *the participating entity otherwise has unencumbered assets*
17 *sufficient to pay to the State Treasurer an amount equal to the*
18 *amount described in paragraph (a).*

19 4. *Each participating entity that accepts payments made from*
20 *education savings accounts shall provide a receipt for each such*
21 *payment to the parent who makes the payment.*

22 5. *The State Treasurer may refuse to allow an entity*
23 *described in subsection 1 to continue to participate in the grant*
24 *program provided for in sections 2 to 15, inclusive, of this act if*
25 *the State Treasurer determines that the entity:*

26 (a) *Has routinely failed to comply with the provisions of*
27 *sections 2 to 15, inclusive, of this act; or*

28 (b) *Has failed to provide any educational services required by*
29 *law to a child receiving instruction from the entity if the entity is*
30 *accepting payments made from the education savings account of*
31 *the child.*

32 6. *If the State Treasurer takes an action described in*
33 *subsection 5 against an entity described in subsection 1, the State*
34 *Treasurer shall provide immediate notice of the action to each*
35 *parent of a child receiving instruction from the entity who has*
36 *entered into or renewed an agreement pursuant to section 7 of this*
37 *act and on behalf of whose child a grant of money has been*
38 *deposited pursuant to section 8 of this act.*

39 **Sec. 12. 1.** *Each participating entity that accepts payments*
40 *for tuition and fees made from education savings accounts shall:*

41 (a) *Ensure that each child on whose behalf a grant of money*
42 *has been deposited pursuant to section 8 of this act and who is*
43 *receiving instruction from the participating entity takes:*



1 (1) Any examinations in mathematics and English
2 language arts required for pupils of the same grade pursuant to
3 chapter 389 of NRS; or

4 (2) Norm-referenced achievement examinations in
5 mathematics and English language arts each school year;

6 (b) Provide for value-added assessments of the results of the
7 examinations described in paragraph (a); and

8 (c) Subject to the Family Educational Rights and Privacy Act
9 of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant
10 thereto, provide the results of the examinations described in
11 paragraph (a) to the Department or an organization designated by
12 the Department pursuant to subsection 4.

13 2. The Department shall:

14 (a) Aggregate the examination results provided pursuant to
15 subsection 1 according to the grade level, gender, race and family
16 income level of each child whose examination results are
17 provided; and

18 (b) Subject to the Family Educational Rights and Privacy Act
19 of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant
20 thereto, make available on the Internet website of the Department:

21 (1) The aggregated results and any associated learning
22 gains; and

23 (2) After 3 school years for which examination data has
24 been collected, the graduation rates, as applicable, of children
25 whose examination results are provided.

26 3. The State Treasurer shall administer an annual survey of
27 parents who enter into or renew an agreement pursuant to section
28 7 of this act. The survey must ask each parent to indicate the
29 number of years the parent has entered into or renewed such an
30 agreement and to express:

31 (a) The relative satisfaction of the parent with the grant
32 program established pursuant to sections 2 to 15, inclusive, of this
33 act; and

34 (b) The opinions of the parent regarding any topics, items or
35 issues that the State Treasurer determines may aid the State
36 Treasurer in evaluating and improving the effectiveness of the
37 grant program established pursuant to sections 2 to 15, inclusive,
38 of this act.

39 4. The Department may arrange for a third-party
40 organization to perform the duties of the Department prescribed
41 by this section.

42 **Sec. 13.** 1. The State Treasurer shall annually make
43 available a list of participating entities, other than any parent of a
44 child.



1 2. *Subject to the Family Educational Rights and Privacy Act*
2 *of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant*
3 *thereto, the Department shall annually require the resident school*
4 *district of each child on whose behalf a grant of money is made*
5 *pursuant to section 8 of this act to provide to the participating*
6 *entity any educational records of the child.*

7 **Sec. 14.** *Except as otherwise provided in sections 2 to 15,*
8 *inclusive, of this act, nothing in the provisions of sections 2 to 15,*
9 *inclusive, of this act, shall be deemed to limit the independence or*
10 *autonomy of a participating entity or to make the actions of a*
11 *participating entity the actions of the State Government.*

12 **Sec. 15.** *The State Treasurer shall adopt any regulations*
13 *necessary or convenient to carry out the provisions of sections 2 to*
14 *15, inclusive, of this act.*

15 **Sec. 15.1.** NRS 385.007 is hereby amended to read as follows:

16 385.007 As used in this title, unless the context otherwise
17 requires:

18 1. "Charter school" means a public school that is formed
19 pursuant to the provisions of NRS 386.490 to 386.649, inclusive.

20 2. "Department" means the Department of Education.

21 3. "Homeschooled child" means a child who receives
22 instruction at home and who is exempt from compulsory attendance
23 pursuant to NRS 392.070 ~~H~~, *but does not include an opt-in child.*

24 4. "Limited English proficient" has the meaning ascribed to it
25 in 20 U.S.C. § 7801(25).

26 5. *"Opt-in child" means a child for whom an education*
27 *savings account has been established pursuant to section 7 of this*
28 *act, who is not enrolled full-time in a public or private school and*
29 *who receives all or a portion of his or her instruction from a*
30 *participating entity, as defined in section 5 of this act.*

31 6. "Public schools" means all kindergartens and elementary
32 schools, junior high schools and middle schools, high schools,
33 charter schools and any other schools, classes and educational
34 programs which receive their support through public taxation and,
35 except for charter schools, whose textbooks and courses of study are
36 under the control of the State Board.

37 ~~H~~ 7. "State Board" means the State Board of Education.

38 ~~H~~ 8. "University school for profoundly gifted pupils" has the
39 meaning ascribed to it in NRS 392A.040.

40 **Sec. 15.2.** NRS 385.525 is hereby amended to read as follows:

41 385.525 1. To be eligible to serve on the Youth Legislature, a
42 person:

43 (a) Must be:

44 (1) A resident of the senatorial district of the Senator who
45 appoints him or her;



1 (2) Enrolled in a public school or private school located in
2 the senatorial district of the Senator who appoints him or her; or

3 (3) A homeschooled child *or opt-in child* who is otherwise
4 eligible to be enrolled in a public school in the senatorial district of
5 the Senator who appoints him or her;

6 (b) Except as otherwise provided in subsection 3 of NRS
7 385.535, must be:

8 (1) Enrolled in a public school or private school in this State
9 in grade 9, 10 or 11 for the first school year of the term for which he
10 or she is appointed; or

11 (2) A homeschooled child *or opt-in child* who is otherwise
12 eligible to enroll in a public school in this State in grade 9, 10 or 11
13 for the first school year of the term for which he or she is appointed;
14 and

15 (c) Must not be related by blood, adoption or marriage within
16 the third degree of consanguinity or affinity to the Senator who
17 appoints him or her or to any member of the Assembly who
18 collaborated to appoint him or her.

19 2. If, at any time, a person appointed to the Youth Legislature
20 changes his or her residency or changes his or her school of
21 enrollment in such a manner as to render the person ineligible under
22 his or her original appointment, the person shall inform the Board,
23 in writing, within 30 days after becoming aware of such changed
24 facts.

25 3. A person who wishes to be appointed or reappointed to the
26 Youth Legislature must submit an application on the form
27 prescribed pursuant to subsection 4 to the Senator of the senatorial
28 district in which the person resides, is enrolled in a public school or
29 private school or, if the person is a homeschooled child *or opt-in*
30 *child*, the senatorial district in which he or she is otherwise eligible
31 to be enrolled in a public school. A person may not submit an
32 application to more than one Senator in a calendar year.

33 4. The Board shall prescribe a form for applications submitted
34 pursuant to this section, which must require the signature of the
35 principal of the school in which the applicant is enrolled or, if the
36 applicant is a homeschooled child *or opt-in child*, the signature
37 of a member of the community in which the applicant resides other
38 than a relative of the applicant.

39 **Sec. 15.3.** NRS 385.535 is hereby amended to read as follows:
40 385.535 1. A position on the Youth Legislature becomes
41 vacant upon:

42 (a) The death or resignation of a member.

43 (b) The absence of a member for any reason from:

44 (1) Two meetings of the Youth Legislature, including,
45 without limitation, meetings conducted in person, meetings



1 conducted by teleconference, meetings conducted by
2 videoconference and meetings conducted by other electronic means;

3 (2) Two activities of the Youth Legislature;

4 (3) Two event days of the Youth Legislature; or

5 (4) Any combination of absences from meetings, activities or
6 event days of the Youth Legislature, if the combination of absences
7 therefrom equals two or more,

8 ➔ unless the absences are, as applicable, excused by the Chair or
9 Vice Chair of the Board.

10 (c) A change of residency or a change of the school of
11 enrollment of a member which renders that member ineligible under
12 his or her original appointment.

13 2. In addition to the provisions of subsection 1, a position on
14 the Youth Legislature becomes vacant if:

15 (a) A member of the Youth Legislature graduates from high
16 school or otherwise ceases to attend public school or private school
17 for any reason other than to become a homeschooled child ~~or~~ *or*
18 *opt-in child*; or

19 (b) A member of the Youth Legislature who is a homeschooled
20 child *or opt-in child* completes an educational plan of instruction for
21 grade 12 or otherwise ceases to be a homeschooled child *or opt-in*
22 *child* for any reason other than to enroll in a public school or private
23 school.

24 3. A vacancy on the Youth Legislature must be filled:

25 (a) For the remainder of the unexpired term in the same manner
26 as the original appointment, except that, if the remainder of the
27 unexpired term is less than 1 year, the member of the Senate who
28 made the original appointment may appoint a person who:

29 (1) Is enrolled in a public school or private school in this
30 State in grade 12 or who is a homeschooled child *or opt-in child*
31 who is otherwise eligible to enroll in a public school in this State in
32 grade 12; and

33 (2) Satisfies the qualifications set forth in paragraphs (a) and
34 (c) of subsection 1 of NRS 385.525.

35 (b) Insofar as is practicable, within 30 days after the date on
36 which the vacancy occurs.

37 4. As used in this section, “event day” means any single
38 calendar day on which an official, scheduled event of the Youth
39 Legislature is held, including, without limitation, a course of
40 instruction, a course of orientation, a meeting, a seminar or any
41 other official, scheduled activity.

42 **Sec. 15.4.** NRS 386.430 is hereby amended to read as follows:

43 386.430 1. The Nevada Interscholastic Activities Association
44 shall adopt rules and regulations in the manner provided for state
45 agencies by chapter 233B of NRS as may be necessary to carry out



1 the provisions of NRS 386.420 to 386.470, inclusive. The
2 regulations must include provisions governing the eligibility and
3 participation of homeschooled children *and opt-in children* in
4 interscholastic activities and events. In addition to the regulations
5 governing eligibility ~~to~~ :

6 (a) A homeschooled child who wishes to participate must have
7 on file with the school district in which the child resides a current
8 notice of intent of a homeschooled child to participate in programs
9 and activities pursuant to NRS 392.705.

10 (b) *An opt-in child who wishes to participate must have on file*
11 *with the school district in which the child resides a current notice*
12 *of intent of an opt-in child to participate in programs and activities*
13 *pursuant to section 16.5 of this act.*

14 2. The Nevada Interscholastic Activities Association shall
15 adopt regulations setting forth:

16 (a) The standards of safety for each event, competition or other
17 activity engaged in by a spirit squad of a school that is a member of
18 the Nevada Interscholastic Activities Association, which must
19 substantially comply with the spirit rules of the National Federation
20 of State High School Associations, or its successor organization;
21 and

22 (b) The qualifications required for a person to become a coach
23 of a spirit squad.

24 3. If the Nevada Interscholastic Activities Association intends
25 to adopt, repeal or amend a policy, rule or regulation concerning or
26 affecting homeschooled children, the Association shall consult with
27 the Northern Nevada Homeschool Advisory Council and the
28 Southern Nevada Homeschool Advisory Council, or their successor
29 organizations, to provide those Councils with a reasonable
30 opportunity to submit data, opinions or arguments, orally or in
31 writing, concerning the proposal or change. The Association shall
32 consider all written and oral submissions respecting the proposal or
33 change before taking final action.

34 4. As used in this section, “spirit squad” means any team or
35 other group of persons that is formed for the purpose of:

36 (a) Leading cheers or rallies to encourage support for a team that
37 participates in a sport that is sanctioned by the Nevada
38 Interscholastic Activities Association; or

39 (b) Participating in a competition against another team or other
40 group of persons to determine the ability of each team or group of
41 persons to engage in an activity specified in paragraph (a).

42 **Sec. 15.5.** NRS 386.462 is hereby amended to read as follows:

43 386.462 1. A homeschooled child must be allowed to
44 participate in interscholastic activities and events in accordance with
45 the regulations adopted by the Nevada Interscholastic Activities



1 Association pursuant to NRS 386.430 if a notice of intent of a
2 homeschooled child to participate in programs and activities is filed
3 for the child with the school district in which the child resides for
4 the current school year pursuant to NRS 392.705.

5 2. *An opt-in child must be allowed to participate in*
6 *interscholastic activities and events in accordance with the*
7 *regulations adopted by the Nevada Interscholastic Activities*
8 *Association pursuant to NRS 386.430 if a notice of intent of an*
9 *opt-in child to participate in programs and activities is filed for the*
10 *child with the school district in which the child resides for the*
11 *current school year pursuant to section 16.5 of this act.*

12 3. The provisions of NRS 386.420 to 386.470, inclusive, and
13 the regulations adopted pursuant thereto that apply to pupils enrolled
14 in public schools who participate in interscholastic activities and
15 events apply in the same manner to homeschooled children *and opt-*
16 *in children* who participate in interscholastic activities and events,
17 including, without limitation, provisions governing:

- 18 (a) Eligibility and qualifications for participation;
- 19 (b) Fees for participation;
- 20 (c) Insurance;
- 21 (d) Transportation;
- 22 (e) Requirements of physical examination;
- 23 (f) Responsibilities of participants;
- 24 (g) Schedules of events;
- 25 (h) Safety and welfare of participants;
- 26 (i) Eligibility for awards, trophies and medals;
- 27 (j) Conduct of behavior and performance of participants; and
- 28 (k) Disciplinary procedures.

29 **Sec. 15.6.** NRS 386.463 is hereby amended to read as follows:

30 386.463 No challenge may be brought by the Nevada
31 Interscholastic Activities Association, a school district, a public
32 school or a private school, a parent or guardian of a pupil enrolled in
33 a public school or a private school, a pupil enrolled in a public
34 school or private school, or any other entity or person claiming that
35 an interscholastic activity or event is invalid because homeschooled
36 children *or opt-in children* are allowed to participate in the
37 interscholastic activity or event.

38 **Sec. 15.7.** NRS 386.464 is hereby amended to read as follows:

39 386.464 A school district, public school or private school shall
40 not prescribe any regulations, rules, policies, procedures or
41 requirements governing the:

42 1. Eligibility of homeschooled children *or opt-in children* to
43 participate in interscholastic activities and events pursuant to NRS
44 386.420 to 386.470, inclusive; or



1 2. Participation of homeschooled children *or opt-in children* in
2 interscholastic activities and events pursuant to NRS 386.420 to
3 386.470, inclusive,

4 ↳ that are more restrictive than the provisions governing eligibility
5 and participation prescribed by the Nevada Interscholastic Activities
6 Association pursuant to NRS 386.430.

7 **Sec. 15.8.** NRS 386.580 is hereby amended to read as follows:

8 386.580 1. An application for enrollment in a charter school
9 may be submitted to the governing body of the charter school by the
10 parent or legal guardian of any child who resides in this State.
11 Except as otherwise provided in this subsection and subsection 2, a
12 charter school shall enroll pupils who are eligible for enrollment in
13 the order in which the applications are received. If the board of
14 trustees of the school district in which the charter school is located
15 has established zones of attendance pursuant to NRS 388.040, the
16 charter school shall, if practicable, ensure that the racial composition
17 of pupils enrolled in the charter school does not differ by more than
18 10 percent from the racial composition of pupils who attend public
19 schools in the zone in which the charter school is located. If a
20 charter school is sponsored by the board of trustees of a school
21 district located in a county whose population is 100,000 or more,
22 except for a program of distance education provided by the charter
23 school, the charter school shall enroll pupils who are eligible for
24 enrollment who reside in the school district in which the charter
25 school is located before enrolling pupils who reside outside the
26 school district. Except as otherwise provided in subsection 2, if
27 more pupils who are eligible for enrollment apply for enrollment in
28 the charter school than the number of spaces which are available,
29 the charter school shall determine which applicants to enroll
30 pursuant to this subsection on the basis of a lottery system.

31 2. Before a charter school enrolls pupils who are eligible for
32 enrollment, a charter school may enroll a child who:

33 (a) Is a sibling of a pupil who is currently enrolled in the charter
34 school;

35 (b) Was enrolled, free of charge and on the basis of a lottery
36 system, in a prekindergarten program at the charter school or any
37 other early childhood educational program affiliated with the charter
38 school;

39 (c) Is a child of a person who is:

40 (1) Employed by the charter school;

41 (2) A member of the committee to form the charter school; or

42 (3) A member of the governing body of the charter school;

43 (d) Is in a particular category of at-risk pupils and the child
44 meets the eligibility for enrollment prescribed by the charter school
45 for that particular category; or



1 (e) Resides within the school district and within 2 miles of the
2 charter school if the charter school is located in an area that the
3 sponsor of the charter school determines includes a high percentage
4 of children who are at risk. If space is available after the charter
5 school enrolls pupils pursuant to this paragraph, the charter school
6 may enroll children who reside outside the school district but within
7 2 miles of the charter school if the charter school is located within
8 an area that the sponsor determines includes a high percentage of
9 children who are at risk.

10 ↪ If more pupils described in this subsection who are eligible apply
11 for enrollment than the number of spaces available, the charter
12 school shall determine which applicants to enroll pursuant to this
13 subsection on the basis of a lottery system.

14 3. Except as otherwise provided in subsection 8, a charter
15 school shall not accept applications for enrollment in the charter
16 school or otherwise discriminate based on the:

- 17 (a) Race;
- 18 (b) Gender;
- 19 (c) Religion;
- 20 (d) Ethnicity; or
- 21 (e) Disability,

22 ↪ of a pupil.

23 4. If the governing body of a charter school determines that the
24 charter school is unable to provide an appropriate special education
25 program and related services for a particular disability of a pupil
26 who is enrolled in the charter school, the governing body may
27 request that the board of trustees of the school district of the county
28 in which the pupil resides transfer that pupil to an appropriate
29 school.

30 5. Except as otherwise provided in this subsection, upon the
31 request of a parent or legal guardian of a child who is enrolled in a
32 public school of a school district or a private school, or a parent or
33 legal guardian of a homeschooled child ~~††~~ *or opt-in child*, the
34 governing body of the charter school shall authorize the child to
35 participate in a class that is not otherwise available to the child at his
36 or her school, ~~†††~~ *homeschool or from his or her participating*
37 *entity, as defined in section 5 of this act*, or participate in an
38 extracurricular activity at the charter school if:

39 (a) Space for the child in the class or extracurricular activity is
40 available;

41 (b) The parent or legal guardian demonstrates to the satisfaction
42 of the governing body that the child is qualified to participate in the
43 class or extracurricular activity; and

44 (c) The child is ~~††~~ :



1 (1) A homeschooled child and a notice of intent of a
2 homeschooled child to participate in programs and activities is filed
3 for the child with the school district in which the child resides for
4 the current school year pursuant to NRS 392.705 ~~H~~; or

5 (2) *An opt-in child and a notice of intent of an opt-in child*
6 *to participate in programs and activities is filed for the child with*
7 *the school district in which the child resides for the current school*
8 *year pursuant to section 16.5 of this act.*

9 ↪ If the governing body of a charter school authorizes a child to
10 participate in a class or extracurricular activity pursuant to this
11 subsection, the governing body is not required to provide
12 transportation for the child to attend the class or activity. A charter
13 school shall not authorize such a child to participate in a class or
14 activity through a program of distance education provided by the
15 charter school pursuant to NRS 388.820 to 388.874, inclusive.

16 6. The governing body of a charter school may revoke its
17 approval for a child to participate in a class or extracurricular
18 activity at a charter school pursuant to subsection 5 if the governing
19 body determines that the child has failed to comply with applicable
20 statutes, or applicable rules and regulations. If the governing body
21 so revokes its approval, neither the governing body nor the charter
22 school is liable for any damages relating to the denial of services to
23 the child.

24 7. The governing body of a charter school may, before
25 authorizing a homeschooled child *or opt-in child* to participate in a
26 class or extracurricular activity pursuant to subsection 5, require
27 proof of the identity of the child, including, without limitation, the
28 birth certificate of the child or other documentation sufficient to
29 establish the identity of the child.

30 8. This section does not preclude the formation of a charter
31 school that is dedicated to provide educational services exclusively
32 to pupils:

33 (a) With disabilities;

34 (b) Who pose such severe disciplinary problems that they
35 warrant a specific educational program, including, without
36 limitation, a charter school specifically designed to serve a single
37 gender that emphasizes personal responsibility and rehabilitation; or

38 (c) Who are at risk.

39 ↪ If more eligible pupils apply for enrollment in such a charter
40 school than the number of spaces which are available, the charter
41 school shall determine which applicants to enroll pursuant to this
42 subsection on the basis of a lottery system.

43 **Sec. 15.9.** NRS 387.045 is hereby amended to read as follows:

44 387.045 *Except as otherwise provided in sections 2 to 15,*
45 *inclusive, of this act:*



1 1. No portion of the public school funds or of the money
2 specially appropriated for the purpose of public schools shall be
3 devoted to any other object or purpose.

4 2. No portion of the public school funds shall in any way be
5 segregated, divided or set apart for the use or benefit of any
6 sectarian or secular society or association.

7 **Sec. 15.95.** NRS 387.1233 is hereby amended to read as
8 follows:

9 387.1233 1. Except as otherwise provided in subsection 2,
10 basic support of each school district must be computed by:

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

13 (1) Six-tenths the count of pupils enrolled in the kindergarten
14 department on the last day of the first school month of the school
15 district for the school year, including, without limitation, the count
16 of pupils who reside in the county and are enrolled in any charter
17 school on the last day of the first school month of the school district
18 for the school year.

19 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
20 on the last day of the first school month of the school district for the
21 school year, including, without limitation, the count of pupils who
22 reside in the county and are enrolled in any charter school on the last
23 day of the first school month of the school district for the school
24 year and the count of pupils who are enrolled in a university school
25 for profoundly gifted pupils located in the county.

26 (3) The count of pupils not included under subparagraph (1)
27 or (2) who are enrolled full-time in a program of distance education
28 provided by that school district or a charter school located within
29 that school district on the last day of the first school month of the
30 school district for the school year.

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

33 (I) In a public school of the school district and are
34 concurrently enrolled part-time in a program of distance education
35 provided by another school district or a charter school *or receiving a*
36 *portion of his or her instruction from a participating entity, as*
37 *defined in section 5 of this act,* on the last day of the first school
38 month of the school district for the school year, expressed as a
39 percentage of the total time services are provided to those pupils per
40 school day in proportion to the total time services are provided
41 during a school day to pupils who are counted pursuant to
42 subparagraph (2).

43 (II) In a charter school and are concurrently enrolled part-
44 time in a program of distance education provided by a school district
45 or another charter school *or receiving a portion of his or her*



1 *instruction from a participating entity, as defined in section 5 of*
2 *this act*, on the last day of the first school month of the school
3 district for the school year, expressed as a percentage of the total
4 time services are provided to those pupils per school day in
5 proportion to the total time services are provided during a school
6 day to pupils who are counted pursuant to subparagraph (2).

7 (5) The count of pupils not included under subparagraph (1),
8 (2), (3) or (4), who are receiving special education pursuant to the
9 provisions of NRS 388.440 to 388.520, inclusive, on the last day of
10 the first school month of the school district for the school year,
11 excluding the count of pupils who have not attained the age of 5
12 years and who are receiving special education pursuant to
13 subsection 1 of NRS 388.475 on that day.

14 (6) Six-tenths the count of pupils who have not attained the
15 age of 5 years and who are receiving special education pursuant to
16 subsection 1 of NRS 388.475 on the last day of the first school
17 month of the school district for the school year.

18 (7) The count of children detained in facilities for the
19 detention of children, alternative programs and juvenile forestry
20 camps receiving instruction pursuant to the provisions of NRS
21 388.550, 388.560 and 388.570 on the last day of the first school
22 month of the school district for the school year.

23 (8) The count of pupils who are enrolled in classes for at
24 least one semester pursuant to subsection 5 of NRS 386.560,
25 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
26 expressed as a percentage of the total time services are provided to
27 those pupils per school day in proportion to the total time services
28 are provided during a school day to pupils who are counted pursuant
29 to subparagraph (2).

30 (b) Multiplying the number of special education program units
31 maintained and operated by the amount per program established for
32 that school year.

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

34 2. Except as otherwise provided in subsection 4, if the
35 enrollment of pupils in a school district or a charter school that is
36 located within the school district on the last day of the first school
37 month of the school district for the school year is less than or equal
38 to 95 percent of the enrollment of pupils in the same school district
39 or charter school on the last day of the first school month of the
40 school district for the immediately preceding school year, the largest
41 number from among the immediately preceding 2 school years must
42 be used for purposes of apportioning money from the State
43 Distributive School Account to that school district or charter school
44 pursuant to NRS 387.124.



1 3. Except as otherwise provided in subsection 4, if the
2 enrollment of pupils in a school district or a charter school that is
3 located within the school district on the last day of the first school
4 month of the school district for the school year is more than 95
5 percent of the enrollment of pupils in the same school district or
6 charter school on the last day of the first school month of the school
7 district for the immediately preceding school year, the larger
8 enrollment number from the current year or the immediately
9 preceding school year must be used for purposes of apportioning
10 money from the State Distributive School Account to that school
11 district or charter school pursuant to NRS 387.124.

12 4. If the Department determines that a school district or charter
13 school deliberately causes a decline in the enrollment of pupils in
14 the school district or charter school to receive a higher
15 apportionment pursuant to subsection 2 or 3, including, without
16 limitation, by eliminating grades or moving into smaller facilities,
17 the enrollment number from the current school year must be used
18 for purposes of apportioning money from the State Distributive
19 School Account to that school district or charter school pursuant to
20 NRS 387.124.

21 5. Pupils who are excused from attendance at examinations or
22 have completed their work in accordance with the rules of the board
23 of trustees must be credited with attendance during that period.

24 6. Pupils who are incarcerated in a facility or institution
25 operated by the Department of Corrections must not be counted for
26 the purpose of computing basic support pursuant to this section. The
27 average daily attendance for such pupils must be reported to the
28 Department of Education.

29 7. Pupils who are enrolled in courses which are approved by
30 the Department as meeting the requirements for an adult to earn a
31 high school diploma must not be counted for the purpose of
32 computing basic support pursuant to this section.

33 **Sec. 16.** NRS 387.124 is hereby amended to read as follows:

34 387.124 Except as otherwise provided in this section and
35 NRS 387.528:

36 1. On or before August 1, November 1, February 1 and May 1
37 of each year, the Superintendent of Public Instruction shall
38 apportion the State Distributive School Account in the State General
39 Fund among the several county school districts, charter schools and
40 university schools for profoundly gifted pupils in amounts
41 approximating one-fourth of their respective yearly apportionments
42 less any amount set aside as a reserve. Except as otherwise provided
43 in NRS 387.1244, the apportionment to a school district, computed
44 on a yearly basis, equals the difference between the basic support
45 and the local funds available pursuant to NRS 387.1235, minus all



1 the funds attributable to pupils who reside in the county but attend a
2 charter school, all the funds attributable to pupils who reside in the
3 county and are enrolled full-time or part-time in a program of
4 distance education provided by another school district or a charter
5 school, ~~and~~ all the funds attributable to pupils who are enrolled in
6 a university school for profoundly gifted pupils located in the
7 county ~~H~~ *and all the funds deposited in education savings*
8 *accounts established on behalf of children who reside in the*
9 *county pursuant to sections 2 to 15, inclusive, of this act.* No
10 apportionment may be made to a school district if the amount of the
11 local funds exceeds the amount of basic support.

12 2. Except as otherwise provided in subsection 3 and NRS
13 387.1244, the apportionment to a charter school, computed on a
14 yearly basis, is equal to the sum of the basic support per pupil in the
15 county in which the pupil resides plus the amount of local funds
16 available per pupil pursuant to NRS 387.1235 and all other funds
17 available for public schools in the county in which the pupil resides
18 minus the sponsorship fee prescribed by NRS 386.570 and minus all
19 the funds attributable to pupils who are enrolled in the charter
20 school but are concurrently enrolled part-time in a program of
21 distance education provided by a school district or another charter
22 school. If the apportionment per pupil to a charter school is more
23 than the amount to be apportioned to the school district in which a
24 pupil who is enrolled in the charter school resides, the school district
25 in which the pupil resides shall pay the difference directly to the
26 charter school.

27 3. Except as otherwise provided in NRS 387.1244, the
28 apportionment to a charter school that is sponsored by the State
29 Public Charter School Authority or by a college or university within
30 the Nevada System of Higher Education, computed on a yearly
31 basis, is equal to the sum of the basic support per pupil in the county
32 in which the pupil resides plus the amount of local funds available
33 per pupil pursuant to NRS 387.1235 and all other funds available for
34 public schools in the county in which the pupil resides, minus the
35 sponsorship fee prescribed by NRS 386.570 and minus all funds
36 attributable to pupils who are enrolled in the charter school but are
37 concurrently enrolled part-time in a program of distance education
38 provided by a school district or another charter school.

39 4. Except as otherwise provided in NRS 387.1244, in addition
40 to the apportionments made pursuant to this section, an
41 apportionment must be made to a school district or charter school
42 that provides a program of distance education for each pupil who is
43 enrolled part-time in the program. The amount of the apportionment
44 must be equal to the percentage of the total time services are
45 provided to the pupil through the program of distance education per



1 school day in proportion to the total time services are provided
2 during a school day to pupils who are counted pursuant to
3 subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233
4 for the school district in which the pupil resides.

5 5. The governing body of a charter school may submit a
6 written request to the Superintendent of Public Instruction to
7 receive, in the first year of operation of the charter school, an
8 apportionment 30 days before the apportionment is required to be
9 made pursuant to subsection 1. Upon receipt of such a request, the
10 Superintendent of Public Instruction may make the apportionment
11 30 days before the apportionment is required to be made. A charter
12 school may receive all four apportionments in advance in its first
13 year of operation.

14 6. Except as otherwise provided in NRS 387.1244, the
15 apportionment to a university school for profoundly gifted pupils,
16 computed on a yearly basis, is equal to the sum of the basic support
17 per pupil in the county in which the university school is located plus
18 the amount of local funds available per pupil pursuant to NRS
19 387.1235 and all other funds available for public schools in the
20 county in which the university school is located. If the
21 apportionment per pupil to a university school for profoundly gifted
22 pupils is more than the amount to be apportioned to the school
23 district in which the university school is located, the school district
24 shall pay the difference directly to the university school. The
25 governing body of a university school for profoundly gifted pupils
26 may submit a written request to the Superintendent of Public
27 Instruction to receive, in the first year of operation of the university
28 school, an apportionment 30 days before the apportionment is
29 required to be made pursuant to subsection 1. Upon receipt of such a
30 request, the Superintendent of Public Instruction may make the
31 apportionment 30 days before the apportionment is required to be
32 made. A university school for profoundly gifted pupils may receive
33 all four apportionments in advance in its first year of operation.

34 7. The Superintendent of Public Instruction shall apportion, on
35 or before August 1 of each year, the money designated as the
36 "Nutrition State Match" pursuant to NRS 387.105 to those school
37 districts that participate in the National School Lunch Program, 42
38 U.S.C. §§ 1751 et seq. The apportionment to a school district must
39 be directly related to the district's reimbursements for the Program
40 as compared with the total amount of reimbursements for all school
41 districts in this State that participate in the Program.

42 8. If the State Controller finds that such an action is needed to
43 maintain the balance in the State General Fund at a level sufficient
44 to pay the other appropriations from it, the State Controller may pay
45 out the apportionments monthly, each approximately one-twelfth of



1 the yearly apportionment less any amount set aside as a reserve. If
2 such action is needed, the State Controller shall submit a report to
3 the Department of Administration and the Fiscal Analysis Division
4 of the Legislative Counsel Bureau documenting reasons for the
5 action.

6 **Sec. 16.2.** NRS 388.850 is hereby amended to read as follows:

7 388.850 1. A pupil may enroll in a program of distance
8 education unless:

9 (a) Pursuant to this section or other specific statute, the pupil is
10 not eligible for enrollment or the pupil's enrollment is otherwise
11 prohibited;

12 (b) The pupil fails to satisfy the qualifications and conditions for
13 enrollment adopted by the State Board pursuant to NRS 388.874; or

14 (c) The pupil fails to satisfy the requirements of the program of
15 distance education.

16 2. A child who is exempt from compulsory attendance and is
17 enrolled in a private school pursuant to chapter 394 of NRS or is
18 being homeschooled is not eligible to enroll in or otherwise attend a
19 program of distance education, regardless of whether the child is
20 otherwise eligible for enrollment pursuant to subsection 1.

21 3. *An opt-in child who is exempt from compulsory attendance*
22 *is not eligible to enroll in or otherwise attend a program of*
23 *distance education, regardless of whether the child is otherwise*
24 *eligible for enrollment pursuant to subsection 1, unless the opt-in*
25 *child receives only a portion of his or her instruction from a*
26 *participating entity as authorized pursuant to section 7 of this act.*

27 4. If a pupil who is prohibited from attending public school
28 pursuant to NRS 392.264 enrolls in a program of distance education,
29 the enrollment and attendance of that pupil must comply with all
30 requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to
31 392.271, inclusive.

32 **Sec. 16.3.** Chapter 392 of NRS is hereby amended by adding
33 thereto the provisions set forth as sections 16.35, 16.4 and 16.5 of
34 this act.

35 **Sec. 16.35.** *As used in sections 16.35, 16.4 and 16.5 of this*
36 *act, unless the context otherwise requires, "parent" has the*
37 *meaning ascribed to it in section 4 of this act.*

38 **Sec. 16.4. 1.** *The parent of an opt-in child shall provide*
39 *notice to the school district where the child would otherwise attend*
40 *that the child is an opt-in child as soon as practicable after*
41 *entering into an agreement to establish an education savings*
42 *account pursuant to section 7 of this act. Such notice must also*
43 *include:*

44 (a) *The full name, age and gender of the child; and*

45 (b) *The name and address of each parent of the child.*



1 2. *The superintendent of schools of a school district shall*
2 *accept a notice provided pursuant to subsection 1 and shall not*
3 *require any additional assurances from the parent who filed the*
4 *notice.*

5 3. *The school district shall provide to a parent who files a*
6 *notice pursuant to subsection 1, a written acknowledgement which*
7 *clearly indicates that the parent has provided the notification*
8 *required by law and that the child is an opt-in child. The written*
9 *acknowledgment shall be deemed proof of compliance with*
10 *Nevada's compulsory school attendance law.*

11 4. *The superintendent of schools of a school district shall*
12 *process a written request for a copy of the records of the school*
13 *district, or any information contained therein, relating to an opt-in*
14 *child not later than 5 days after receiving the request. The*
15 *superintendent of schools may only release such records or*
16 *information:*

17 (a) *To a person or entity specified by the parent of the child, or*
18 *by the child if the child is at least 18 years of age, upon suitable*
19 *proof of identity of the parent or child; or*

20 (b) *If required by specific statute.*

21 5. *If an opt-in child seeks admittance or entrance to any*
22 *public school in this State, the school may use only commonly*
23 *used practices in determining the academic ability, placement or*
24 *eligibility of the child. If the child enrolls in a charter school, the*
25 *charter school shall, to the extent practicable, notify the board of*
26 *trustees of the resident school district of the child's enrollment in*
27 *the charter school. Regardless of whether the charter school*
28 *provides such notification to the board of trustees, the charter*
29 *school may count the child who is enrolled for the purposes of the*
30 *calculation of basic support pursuant to NRS 387.1233. An opt-in*
31 *child seeking admittance to public high school must comply with*
32 *NRS 392.033.*

33 6. *A school shall not discriminate in any manner against an*
34 *opt-in child or a child who was formerly an opt-in child.*

35 7. *Each school district shall allow an opt-in child to*
36 *participate in all college entrance examinations offered in this*
37 *State, including, without limitation, the SAT, the ACT, the*
38 *Preliminary SAT and the National Merit Scholarship Qualifying*
39 *Test. Each school district shall upon request, provide information*
40 *to the parent of an opt-in child who resides in the school district*
41 *has adequate notice of the availability of information concerning*
42 *such examinations on the Internet website of the school district*
43 *maintained pursuant to NRS 389.004.*

44 **Sec. 16.5.** *1. The Department shall develop a standard form*
45 *for the notice of intent of an opt-in child to participate in*



1 *programs and activities. The board of trustees of each school*
2 *district shall, in a timely manner, make only the form developed by*
3 *the Department available to parents of opt-in children.*

4 *2. If an opt-in child wishes to participate in classes, activities,*
5 *programs, sports or interscholastic activities and events at a public*
6 *school or through a school district, or through the Nevada*
7 *Interscholastic Activities Association, the parent of the child must*
8 *file a current notice of intent to participate with the resident*
9 *school district.*

10 **Sec. 16.6.** NRS 392.033 is hereby amended to read as follows:

11 392.033 1. The State Board shall adopt regulations which
12 prescribe the courses of study required for promotion to high school,
13 including, without limitation, English, mathematics, science and
14 social studies. The regulations may include the credits to be earned
15 in each course.

16 2. Except as otherwise provided in subsection 4, the board of
17 trustees of a school district shall not promote a pupil to high school
18 if the pupil does not complete the course of study or credits required
19 for promotion. The board of trustees of the school district in which
20 the pupil is enrolled may provide programs of remedial study to
21 complete the courses of study required for promotion to high school.

22 3. The board of trustees of each school district shall adopt a
23 procedure for evaluating the course of study or credits completed by
24 a pupil who transfers to a junior high or middle school from a junior
25 high or middle school in this State or from a school outside of this
26 State.

27 4. The board of trustees of each school district shall adopt a
28 policy that allows a pupil who has not completed the courses of
29 study or credits required for promotion to high school to be placed
30 on academic probation and to enroll in high school. A pupil who is
31 on academic probation pursuant to this subsection shall complete
32 appropriate remediation in the subject areas that the pupil failed to
33 pass. The policy must include the criteria for eligibility of a pupil to
34 be placed on academic probation. A parent or guardian may elect
35 not to place his or her child on academic probation but to remain in
36 grade 8.

37 5. A homeschooled child *or opt-in child* who enrolls in a
38 public high school shall, upon initial enrollment:

39 (a) Provide documentation sufficient to prove that the child has
40 successfully completed the courses of study required for promotion
41 to high school through an accredited program of homeschool study
42 recognized by the board of trustees of the school district **†** *or from*
43 *a participating entity, as applicable;*



1 (b) Demonstrate proficiency in the courses of study required for
2 promotion to high school through an examination prescribed by the
3 board of trustees of the school district; or

4 (c) Provide other proof satisfactory to the board of trustees of
5 the school district demonstrating competency in the courses of study
6 required for promotion to high school.

7 ***6. As used in this section, "participating entity" has the***
8 ***meaning ascribed to it in section 5 of this act.***

9 **Sec. 16.7.** NRS 392.070 is hereby amended to read as follows:

10 392.070 1. Attendance of a child required by the provisions
11 of NRS 392.040 must be excused when:

12 (a) The child is enrolled in a private school pursuant to chapter
13 394 of NRS; ~~or~~

14 (b) A parent of the child chooses to provide education to the
15 child and files a notice of intent to homeschool the child with the
16 superintendent of schools of the school district in which the child
17 resides in accordance with NRS 392.700 ~~or~~; ***or***

18 ***(c) The child is an opt-in child and notice of such has been***
19 ***provided to the school district in which the child resides in***
20 ***accordance with section 16.4 of this act.***

21 2. The board of trustees of each school district shall provide
22 programs of special education and related services for
23 homeschooled children. The programs of special education and
24 related services required by this section must be made available:

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

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

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

36 3. Except as otherwise provided in subsection 2 for programs
37 of special education and related services, upon the request of a
38 parent or legal guardian of a child who is enrolled in a private
39 school or a parent or legal guardian of a homeschooled child ~~or~~ ***or***
40 ***opt-in child***, the board of trustees of the school district in which the
41 child resides shall authorize the child to participate in any classes
42 and extracurricular activities, excluding sports, at a public school
43 within the school district if:

44 (a) Space for the child in the class or extracurricular activity is
45 available;



1 (b) The parent or legal guardian demonstrates to the satisfaction
2 of the board of trustees that the child is qualified to participate in the
3 class or extracurricular activity; and

4 (c) If the child is ~~††~~:

5 (1) *A* homeschooled child, a notice of intent of a
6 homeschooled child to participate in programs and activities is filed
7 for the child with the school district for the current school year
8 pursuant to NRS 392.705 ~~††~~; *or*

9 (2) *An opt-in child, a notice of intent of an opt-in child to*
10 *participate in programs and activities is filed for the child with the*
11 *school district for the current school year pursuant to section 16.5*
12 *of this act.*

13 ↪ If the board of trustees of a school district authorizes a child to
14 participate in a class or extracurricular activity, excluding sports,
15 pursuant to this subsection, the board of trustees is not required to
16 provide transportation for the child to attend the class or activity. A
17 homeschooled child *or opt-in child* must be allowed to participate in
18 interscholastic activities and events governed by the Nevada
19 Interscholastic Activities Association pursuant to NRS 386.420 to
20 386.470, inclusive, and interscholastic activities and events,
21 including sports, pursuant to subsection 5.

22 4. The board of trustees of a school district may revoke its
23 approval for a pupil to participate in a class or extracurricular
24 activity at a public school pursuant to subsection 3 if the board of
25 trustees or the public school determines that the pupil has failed to
26 comply with applicable statutes, or applicable rules and regulations
27 of the board of trustees. If the board of trustees revokes its approval,
28 neither the board of trustees nor the public school is liable for any
29 damages relating to the denial of services to the pupil.

30 5. In addition to those interscholastic activities and events
31 governed by the Nevada Interscholastic Activities Association
32 pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled
33 child *or opt-in child* must be allowed to participate in interscholastic
34 activities and events, including sports, if a notice of intent of a
35 homeschooled child *or opt-in child* to participate in programs and
36 activities is filed for the child with the school district for the current
37 school year pursuant to NRS 392.705 ~~††~~ *or section 16.5 of this act,*
38 *as applicable.* A homeschooled child *or opt-in child* who
39 participates in interscholastic activities and events at a public school
40 pursuant to this subsection must participate within the school district
41 of the child's residence through the public school which the child is
42 otherwise zoned to attend. Any rules or regulations that apply to
43 pupils enrolled in public schools who participate in interscholastic
44 activities and events, including sports, apply in the same manner to
45 homeschooled children *and opt-in children* who participate in



- 1 interscholastic activities and events, including, without limitation,
2 provisions governing:
- 3 (a) Eligibility and qualifications for participation;
 - 4 (b) Fees for participation;
 - 5 (c) Insurance;
 - 6 (d) Transportation;
 - 7 (e) Requirements of physical examination;
 - 8 (f) Responsibilities of participants;
 - 9 (g) Schedules of events;
 - 10 (h) Safety and welfare of participants;
 - 11 (i) Eligibility for awards, trophies and medals;
 - 12 (j) Conduct of behavior and performance of participants; and
 - 13 (k) Disciplinary procedures.
- 14 6. If a homeschooled child *or opt-in child* participates in
15 interscholastic activities and events pursuant to subsection 5:
- 16 (a) No challenge may be brought by the Association, a school
17 district, a public school or a private school, a parent or guardian of a
18 pupil enrolled in a public school or a private school, a pupil enrolled
19 in a public school or a private school, or any other entity or person
20 claiming that an interscholastic activity or event is invalid because
21 the homeschooled child *or opt-in child* is allowed to participate.
 - 22 (b) Neither the school district nor a public school may prescribe
23 any regulations, rules, policies, procedures or requirements
24 governing the eligibility or participation of the homeschooled child
25 *or opt-in child* that are more restrictive than the provisions
26 governing the eligibility and participation of pupils enrolled in
27 public schools.
- 28 7. The programs of special education and related services
29 required by subsection 2 may be offered at a public school or
30 another location that is appropriate.
- 31 8. The board of trustees of a school district:
- 32 (a) May, before providing programs of special education and
33 related services to a homeschooled child *or opt-in child* pursuant to
34 subsection 2, require proof of the identity of the child, including,
35 without limitation, the birth certificate of the child or other
36 documentation sufficient to establish the identity of the child.
 - 37 (b) May, before authorizing a homeschooled child *or opt-in*
38 *child* to participate in a class or extracurricular activity, excluding
39 sports, pursuant to subsection 3, require proof of the identity of the
40 child, including, without limitation, the birth certificate of the child
41 or other documentation sufficient to establish the identity of the
42 child.
 - 43 (c) Shall, before allowing a homeschooled child *or opt-in child*
44 to participate in interscholastic activities and events governed
45 by the Nevada Interscholastic Activities Association pursuant to



1 NRS 386.420 to 386.470, inclusive, and interscholastic activities
2 and events pursuant to subsection 5, require proof of the identity of
3 the child, including, without limitation, the birth certificate of the
4 child or other documentation sufficient to establish the identity of
5 the child.

6 9. The Department shall adopt such regulations as are
7 necessary for the boards of trustees of school districts to provide the
8 programs of special education and related services required by
9 subsection 2.

10 10. As used in this section ~~], “related]~~ :

11 (a) *“Participating entity”* has the meaning ascribed to it in
12 *section 5 of this act.*

13 (b) *“Related services”* has the meaning ascribed to it in 20
14 U.S.C. § 1401.

15 **Sec. 16.8.** NRS 392.466 is hereby amended to read as follows:

16 392.466 1. Except as otherwise provided in this section, any
17 pupil who commits a battery which results in the bodily injury of an
18 employee of the school or who sells or distributes any controlled
19 substance while on the premises of any public school, at an activity
20 sponsored by a public school or on any school bus must, for the first
21 occurrence, be suspended or expelled from that school, although the
22 pupil may be placed in another kind of school, for at least a period
23 equal to one semester for that school. For a second occurrence, the
24 pupil must be permanently expelled from that school and:

25 (a) Enroll in a private school pursuant to chapter 394 of NRS ,
26 *become an opt-in child* or be homeschooled; or

27 (b) Enroll in a program of independent study provided pursuant
28 to NRS 389.155 for pupils who have been suspended or expelled
29 from public school or a program of distance education provided
30 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
31 for enrollment and is accepted for enrollment in accordance with the
32 requirements of the applicable program.

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

42 (a) Enroll in a private school pursuant to chapter 394 of NRS ,
43 *become an opt-in child* or be homeschooled; or

44 (b) Enroll in a program of independent study provided pursuant
45 to NRS 389.155 for pupils who have been suspended or expelled



1 from public school or a program of distance education provided
2 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
3 for enrollment and is accepted for enrollment in accordance with the
4 requirements of the applicable program.

5 ➤ The superintendent of schools of a school district may, for good
6 cause shown in a particular case in that school district, allow a
7 modification to the expulsion requirement of this subsection if such
8 modification is set forth in writing.

9 3. Except as otherwise provided in this section, if a pupil is
10 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
11 the pupil must be suspended or expelled from the school for a period
12 equal to at least one semester for that school. For the period of the
13 pupil's suspension or expulsion, the pupil must:

14 (a) Enroll in a private school pursuant to chapter 394 of NRS ,
15 *become an opt-in child* or be homeschooled; or

16 (b) Enroll in a program of independent study provided pursuant
17 to NRS 389.155 for pupils who have been suspended or expelled
18 from public school or a program of distance education provided
19 pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies
20 for enrollment and is accepted for enrollment in accordance with the
21 requirements of the applicable program.

22 4. This section does not prohibit a pupil from having in his or
23 her possession a knife or firearm with the approval of the principal
24 of the school. A principal may grant such approval only in
25 accordance with the policies or regulations adopted by the board of
26 trustees of the school district.

27 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has
28 been found to have possessed a firearm in violation of subsection 2,
29 may be suspended from school or permanently expelled from school
30 pursuant to this section only after the board of trustees of the school
31 district has reviewed the circumstances and approved this action in
32 accordance with the procedural policy adopted by the board for such
33 issues.

34 6. A pupil who is participating in a program of special
35 education pursuant to NRS 388.520, other than a pupil who is gifted
36 and talented or who receives early intervening services, may, in
37 accordance with the procedural policy adopted by the board of
38 trustees of the school district for such matters, be:

39 (a) Suspended from school pursuant to this section for not more
40 than 10 days. Such a suspension may be imposed pursuant to
41 this paragraph for each occurrence of conduct proscribed by
42 subsection 1.

43 (b) Suspended from school for more than 10 days or
44 permanently expelled from school pursuant to this section only after
45 the board of trustees of the school district has reviewed the



1 circumstances and determined that the action is in compliance with
2 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
3 et seq.

4 7. As used in this section:

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

7 (b) "Dangerous weapon" includes, without limitation, a
8 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
9 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
10 NRS 202.350, a butterfly knife or any other knife described in NRS
11 202.350, or any other object which is used, or threatened to be used,
12 in such a manner and under such circumstances as to pose a threat
13 of, or cause, bodily injury to a person.

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

18 8. The provisions of this section do not prohibit a pupil who is
19 suspended or expelled from enrolling in a charter school that is
20 designed exclusively for the enrollment of pupils with disciplinary
21 problems if the pupil is accepted for enrollment by the charter
22 school pursuant to NRS 386.580. Upon request, the governing body
23 of a charter school must be provided with access to the records of
24 the pupil relating to the pupil's suspension or expulsion in
25 accordance with applicable federal and state law before the
26 governing body makes a decision concerning the enrollment of the
27 pupil.

28 **Sec. 17.** This act becomes effective on July 1, 2015.

