
ASSEMBLY BILL NO. 254—ASSEMBLYMEN HANSEN, HICKEY,
HAMBRICK; FIORE, HARDY, KIRNER, LIVERMORE AND
WHEELER

MARCH 13, 2013

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Education

SUMMARY—Enacts provisions relating to school choice.
(BDR 34-158)

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

~

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

AN ACT relating to education; authorizing certain parents and legal guardians to submit to the board of trustees of a school district a petition to implement certain intervention actions at a public school that is designated as demonstrating need for improvement; requiring the board of trustees of a school district that receives a petition signed by a certain percentage of parents and legal guardians to implement the intervention actions within a prescribed time; revising provisions governing the apportionment of money from the State Distributive School Account and the count of pupils for the purposes of basic support to provide for the payment of vouchers for certain pupils to attend nonsectarian private schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires each public school to be designated annually based upon
2 the achievement of pupils enrolled in the schools as: (1) demonstrating exemplary
3 achievement; (2) demonstrating high achievement; (3) demonstrating adequate
4 achievement; or (4) demonstrating need for improvement. (NRS 385.3623) **Section**
5 **3** of this bill authorizes the parents and legal guardians of pupils enrolled in a public
6 school that is designated as demonstrating need for improvement, or a combination
7 of the parents and legal guardians of pupils enrolled in the school and pupils who



* A B 2 5 4 *

8 will matriculate into the school, to submit to the board of trustees of the school
9 district a petition signed by not less than 51 percent of those parents and legal
10 guardians to take one or more of the following intervention actions for the school:
11 (1) implementing a restart model for the school by closing the school and reopening
12 as a charter school; (2) implementing school closure by closing the school and
13 transferring the pupils to another school located in the school district; or (3)
14 implementing a program of school choice, including issuing vouchers on behalf of
15 a pupil who would otherwise enroll in the school to attend a nonsectarian private
16 school and authorizing a pupil to attend another public school within the school
17 district. **Section 3** also prescribes the duties of the board of trustees of a school
18 district that receives such a petition.

19 **Section 4** of this bill authorizes the parent or legal guardian of a pupil who
20 would otherwise enroll in a public school for which school choice has been
21 implemented pursuant to **section 3** to submit to the board of trustees of the school
22 district an application for the pupil to receive a voucher to attend a nonsectarian
23 private school. **Section 4** also provides that for each year a pupil is enrolled in a
24 private school, the parent or legal guardian of the pupil is entitled to a voucher in an
25 amount equal to the lesser of: (1) seventy-five percent of the average of the total
26 amount of public money that was expended per year by the public school for which
27 school choice is implemented pursuant to **section 3** in the immediately preceding 3
28 years; (2) seventy-five percent of the average of the basic support guarantee per
29 pupil of the school district and local funds available in the immediately preceding 3
30 years; or (3) the total amount charged by the private school for tuition, fees and
31 textbooks.

32 **Section 5** of this bill authorizes the parent or legal guardian of a pupil who
33 would otherwise enroll in a public school for which school choice has been
34 implemented pursuant to **section 3** to submit to the board of trustees of the school
35 district an application for the pupil to attend a public school within the school
36 district but outside the pupil's required zone of attendance.

37 **Sections 15-18** of this bill require that a pupil who receives a voucher to attend
38 a nonsectarian private school pursuant to the provisions of **section 4** be included in
39 the count of pupils for purposes of apportionments and allowances from the State
40 Distributive School Account.

41 The remaining sections of this bill make changes to the current system of public
42 education to include the program to issue vouchers to pupils and to indicate that the
43 money available for education and public schools is for the support of the system of
44 public education.

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

1 **Section 1.** NRS 385.310 is hereby amended to read as follows:
2 385.310 The Deputy Superintendent for Administrative and
3 Fiscal Services, under the direction of the Superintendent of Public
4 Instruction, shall:

5 1. Determine the apportionment of all ~~state school~~ money *for*
6 *the system of public education* to schools of the State as prescribed
7 by law.

8 2. Develop for public schools of the State a uniform system of
9 budgeting and accounting. The system must provide for the separate
10 reporting of expenditures for each:



- 1 (a) School district; and
- 2 (b) School within a school district.

3 → Upon approval of the State Board, the system is mandatory for all
4 public schools in this State and must be enforced as provided in
5 subsection 2 of NRS 385.315.

6 3. Carry on a continuing study of school finance in the State,
7 particularly the method by which schools are financed on the state
8 level, and make such recommendations to the Superintendent of
9 Public Instruction for submission to the State Board as he or she
10 deems advisable.

11 4. Recommend to the Superintendent of Public Instruction for
12 submission to the State Board such changes in budgetary and
13 financial procedures as the studies may show to be advisable.

14 5. Perform such other statistical and financial duties pertaining
15 to the administration and finances of the schools of the State as may
16 be required by the Superintendent of Public Instruction.

17 6. Prepare for the Superintendent of Public Instruction the
18 biennial budgets of the Department for consideration by the State
19 Board and submission to the Governor.

20 **Sec. 2.** Chapter 386 of NRS is hereby amended by adding
21 thereto the provisions set forth as sections 3, 4 and 5 of this act.

22 **Sec. 3. 1.** *The parent or legal guardian of a pupil enrolled*
23 *in a public school that is designated as demonstrating need for*
24 *improvement pursuant to NRS 385.3623 may, upon a written*
25 *petition signed by not less than 51 percent of the parents and legal*
26 *guardians of pupils enrolled in the school, or 51 percent of the*
27 *parents and legal guardians of pupils enrolled in the school and*
28 *the parents and legal guardians of pupils who will matriculate into*
29 *the school, submit the petition to the board of trustees of the*
30 *school district to take one or more of the following intervention*
31 *actions for the school:*

32 *(a) Implement a restart model by closing the school and,*
33 *pursuant to the provisions of NRS 386.490 to 386.610, inclusive,*
34 *entering into a contract with an educational management*
35 *organization that has a demonstrated record of effectiveness to*
36 *reopen and operate the school as a charter school;*

37 *(b) Implement school closure by closing the school and*
38 *transferring the pupils enrolled in the school to other public*
39 *schools within the school district which are higher-achieving than*
40 *the school that will be closed, including, without limitation, a*
41 *charter school, and which are in close proximity to the school that*
42 *will be closed; or*

43 *(c) Implement school choice by:*



1 (1) *Issuing vouchers on behalf of a pupil who would*
2 *otherwise enroll in the school to attend a private school pursuant*
3 *to section 4 of this act; and*

4 (2) *Authorizing a pupil who would otherwise enroll in the*
5 *school to attend another public school within the school district if*
6 *space for the pupil is available at the other school.*

7 2. *Upon receipt of a petition submitted pursuant to subsection*
8 *1, the board of trustees of the school district shall:*

9 (a) *Act upon the petition at a public meeting of the board of*
10 *trustees;*

11 (b) *Notify the Superintendent of Public Instruction and the*
12 *State Board of the petition and the intervention actions that will be*
13 *implemented for the public school; and*

14 (c) *Subject to the requirement of subsection 3, implement the*
15 *intervention actions not later than 180 days after receipt of the*
16 *petition.*

17 3. *If corrective action or restructuring for a Title I school is*
18 *required pursuant to 20 U.S.C. § 6316(b)(7) or 20 U.S.C. §*
19 *6316(b)(8), the intervention actions approved for that school must*
20 *be consistent with the requirements of the federal law.*

21 4. *As used in this section:*

22 (a) *“Educational management organization” has the meaning*
23 *ascribed to it in NRS 386.562.*

24 (b) *“Title I school” has the meaning ascribed to it in*
25 *NRS 385.3467.*

26 **Sec. 4. 1.** *The parent or legal guardian of a pupil who*
27 *would otherwise enroll in a public school for which school choice*
28 *has been implemented pursuant to section 3 of this act may submit*
29 *to the board of trustees of the school district an application, on a*
30 *form prescribed by the board of trustees, for the issuance of*
31 *vouchers for the pupil to attend a nonsectarian private school.*

32 2. *The board of trustees of a school district shall deny an*
33 *application submitted pursuant to subsection 1 if:*

34 (a) *The pupil will attain the age of 21 years during the*
35 *academic year for which the pupil will be enrolled; or*

36 (b) *The private school in which the pupil will enroll is*
37 *sectarian.*

38 3. *For each year that a pupil is enrolled in a private school*
39 *pursuant to this section, the parent or legal guardian of the pupil*
40 *is entitled to receive from the school district a voucher in an*
41 *amount equal to the lesser of:*

42 (a) *Seventy-five percent of the average of the total amount of*
43 *public money that was expended per year by the public school in*
44 *which the pupil would otherwise enroll for which school choice*
45 *has been implemented pursuant to section 3 of this act in the*



1 *immediately preceding 3 years, including, without limitation,*
2 *operational and facility costs;*

3 *(b) Seventy-five percent of the average of the basic support*
4 *guarantee per pupil established by law for the school district*
5 *pursuant to NRS 387.122 and local funds available in the*
6 *immediately preceding 3 years; or*

7 *(c) The total amount charged by the private school for tuition,*
8 *fees and textbooks.*

9 *4. The parent or legal guardian of the pupil shall restrictively*
10 *endorse the voucher for payment to the private school that the*
11 *pupil attends and submit the voucher to the private school.*

12 *5. On or before the date prescribed by the board of trustees of*
13 *the school district, a private school shall submit to the board of*
14 *trustees all vouchers that it receives which are endorsed for*
15 *payment. The clerk of the board of trustees shall pay the full*
16 *amount of all lawfully issued and endorsed vouchers to the private*
17 *school. The parent or legal guardian may not submit a voucher*
18 *directly to the board of trustees of a school district for payment.*

19 *6. If a pupil is enrolled in a private school pursuant to this*
20 *section:*

21 *(a) The parent or legal guardian of the pupil assumes full*
22 *responsibility for any financial costs incurred for the pupil's*
23 *enrollment in the private school that are not covered by the*
24 *voucher.*

25 *(b) The parent or legal guardian of the pupil is not required to*
26 *reapply each year pursuant to subsection 1 but must provide*
27 *annual verification to the board of trustees of the pupil's*
28 *enrollment in the private school.*

29 *(c) The board of trustees of the school district is not required*
30 *to provide transportation for the pupil to attend the private school.*

31 *7. The parent or legal guardian of a pupil may continue to*
32 *receive vouchers pursuant to this section until the pupil:*

33 *(a) Attains 21 years of age; or*

34 *(b) Graduates from high school,*

35 *↳ whichever occurs first.*

36 *8. As used in this section, "local funds available" means the*
37 *local funds available pursuant to NRS 387.1235.*

38 **Sec. 5. 1.** *The parent or legal guardian of a pupil who*
39 *would otherwise enroll in a public school for which school choice*
40 *has been implemented pursuant to section 3 of this act may submit*
41 *to the board of trustees of a school district an application, on a*
42 *form prescribed by the board of trustees, for the pupil to attend*
43 *another public school within the school district but outside the*
44 *zone of attendance that the pupil is otherwise required to attend.*



1 *The application must be approved if space for the pupil is*
2 *available at the other school.*

3 2. *Upon approval of an application, the board of trustees of*
4 *the school district shall provide a written statement of approval to:*

5 (a) *The parent or legal guardian of the pupil;*

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

8 (c) *The other public school that the pupil will attend.*

9 3. *A pupil may remain in the other public school for*
10 *succeeding school years if space for the pupil is available. If space*
11 *for the pupil is not available in that public school, the pupil may*
12 *return to the public school that he or she is otherwise zoned to*
13 *attend or submit an application pursuant to subsection 1 to attend*
14 *another public school.*

15 4. *If a pupil attends another public school within the school*
16 *district pursuant to this section:*

17 (a) *The pupil may return to the public school that he or she is*
18 *otherwise zoned to attend if the parent or legal guardian of the*
19 *pupil provides written notice of that desire to the board of trustees*
20 *of the school district.*

21 (b) *The board of trustees of the school district is not required*
22 *to provide transportation for the pupil to attend the other public*
23 *school.*

24 **Sec. 6.** NRS 386.415 is hereby amended to read as follows:

25 386.415 1. The board of trustees of any school district may
26 enter into an agreement with any individual, firm, partnership,
27 corporation, association or public agency which has been approved
28 for such purpose by the Aging and Disability Services Division of
29 the Department of Health and Human Services, whereby the school
30 district agrees to prepare hot lunches for persons 60 years of age or
31 older and their spouses or any group of such persons by utilizing the
32 systems and procedures already developed for use in the school
33 lunch program of such district.

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

36 (a) Involve the expenditure by the school district of any school
37 lunch money or other *money for the system of* public ~~school~~
38 ~~money~~ *education* or the use of any school lunch commodities or
39 public school personnel, equipment or facilities unless the
40 agreement includes a provision requiring full reimbursement
41 therefor.

42 (b) Provide for payment to the school district of any amount in
43 excess of the estimated actual cost of food, personnel, equipment,
44 facilities and other necessary expenditures involved in the
45 performance of the agreement. The estimated actual cost shall be



1 negotiated by the board of trustees and the Aging and Disability
2 Services Division of the Department of Health and Human Services.

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

6 **Sec. 7.** NRS 386.505 is hereby amended to read as follows:

7 386.505 The Legislature declares that by authorizing the
8 formation of charter schools it is not authorizing:

9 1. The conversion of an existing public school, homeschool or
10 other program of home study to a charter school. *The provisions of*
11 *this subsection do not apply to a public school that closes and*
12 *reopens as a charter school under a restart model set forth in a*
13 *petition pursuant to section 3 of this act.*

14 2. A means for providing financial assistance for private
15 schools or programs of home study. The provisions of this
16 subsection do not preclude:

17 (a) A private school from ceasing to operate as a private school
18 and reopening as a charter school in compliance with the provisions
19 of NRS 386.490 to 386.610, inclusive.

20 (b) The payment of money to a charter school for the enrollment
21 of children in classes at the charter school pursuant to subsection 5
22 of NRS 386.580 who are enrolled in a public school of a school
23 district or a private school or who are homeschooled.

24 3. The formation of charter schools on the basis of a single
25 race, religion or ethnicity.

26 **Sec. 8.** NRS 386.506 is hereby amended to read as follows:

27 386.506 The provisions of NRS 386.490 to 386.610, inclusive,
28 do not authorize an existing public school, homeschool or other
29 program of home study to convert to a charter school. *The*
30 *provisions of this section do not apply to a public school that*
31 *closes and reopens as a charter school under a restart model set*
32 *forth in a petition pursuant to section 3 of this act.*

33 **Sec. 9.** NRS 386.520 is hereby amended to read as follows:

34 386.520 1. A committee to form a charter school must
35 consist of:

36 (a) One member who is a teacher or other person licensed
37 pursuant to chapter 391 of NRS or who previously held such a
38 license and is retired, as long as his or her license was held in good
39 standing;

40 (b) One member who:

41 (1) Satisfies the qualifications of paragraph (a); or

42 (2) Is a school administrator with a license issued by another
43 state or who previously held such a license and is retired, as long as
44 his or her license was held in good standing;



1 (c) One parent or legal guardian who is not a teacher or
2 employee of the proposed charter school; and

3 (d) Two members who possess knowledge and expertise in one
4 or more of the following areas:

- 5 (1) Accounting;
- 6 (2) Financial services;
- 7 (3) Law; or
- 8 (4) Human resources.

9 2. In addition to the members who serve pursuant to subsection
10 1, the committee to form a charter school may include, without
11 limitation, not more than four additional members as follows:

- 12 (a) Members of the general public;
- 13 (b) Representatives of nonprofit organizations and businesses;

14 or

15 (c) Representatives of a college or university within the Nevada
16 System of Higher Education.

17 3. A majority of the persons who serve on the committee to
18 form a charter school must be residents of this State at the time that
19 the application to form the charter school is submitted to the
20 Department.

21 4. An application to form a charter school must include all
22 information prescribed by the Department by regulation and:

23 (a) A written description of how the charter school will carry out
24 the provisions of NRS 386.490 to 386.610, inclusive.

25 (b) A written description of the mission and goals for the charter
26 school. A charter school must have as its stated purpose at least one
27 of the following goals:

- 28 (1) Improving the academic achievement of pupils;
- 29 (2) Encouraging the use of effective and innovative methods
30 of teaching;

31 (3) Providing an accurate measurement of the educational
32 achievement of pupils;

33 (4) Establishing accountability and transparency of public
34 schools;

35 (5) Providing a method for public schools to measure
36 achievement based upon the performance of the schools; or

37 (6) Creating new professional opportunities for teachers.

38 (c) The projected enrollment of pupils in the charter school.

39 (d) The proposed dates for accepting applications for enrollment
40 in the initial year of operation of the charter school.

41 (e) The proposed system of governance for the charter school,
42 including, without limitation, the number of persons who will
43 govern, the method for nominating and electing the persons who
44 will govern and the term of office for each person.



- 1 (f) The method by which disputes will be resolved between the
2 governing body of the charter school and the sponsor of the charter
3 school.
- 4 (g) The proposed curriculum for the charter school and, if
5 applicable to the grade level of pupils who are enrolled in the
6 charter school, the requirements for the pupils to receive a high
7 school diploma, including, without limitation, whether those pupils
8 will satisfy the requirements of the school district in which the
9 charter school is located for receipt of a high school diploma.
- 10 (h) The textbooks that will be used at the charter school.
- 11 (i) The qualifications of the persons who will provide instruction
12 at the charter school.
- 13 (j) Except as otherwise required by NRS 386.595, the process by
14 which the governing body of the charter school will negotiate
15 employment contracts with the employees of the charter school.
- 16 (k) A financial plan for the operation of the charter school. The
17 plan must include, without limitation, procedures for the audit of the
18 programs and finances of the charter school and guidelines for
19 determining the financial liability if the charter school is
20 unsuccessful.
- 21 (l) A statement of whether the charter school will provide for the
22 transportation of pupils to and from the charter school. If the charter
23 school will provide transportation, the application must include the
24 proposed plan for the transportation of pupils. If the charter school
25 will not provide transportation, the application must include a
26 statement that the charter school will work with the parents and
27 guardians of pupils enrolled in the charter school to develop a plan
28 for transportation to ensure that pupils have access to transportation
29 to and from the charter school.
- 30 (m) The procedure for the evaluation of teachers of the charter
31 school, if different from the procedure prescribed in NRS 391.3125
32 and 391.3128. If the procedure is different from the procedure
33 prescribed in NRS 391.3125 and 391.3128, the procedure for the
34 evaluation of teachers of the charter school must provide the same
35 level of protection and otherwise comply with the standards for
36 evaluation set forth in NRS 391.3125 and 391.3128.
- 37 (n) The time by which certain academic or educational results
38 will be achieved.
- 39 (o) The kind of school, as defined in subsections 1 to 4,
40 inclusive, of NRS 388.020, for which the charter school intends to
41 operate.
- 42 (p) A statement of whether the charter school will enroll pupils
43 who are in a particular category of at-risk pupils before enrolling
44 other children who are eligible to attend the charter school pursuant
45 to NRS 386.580 and the method for determining eligibility for



1 enrollment in each such category of at-risk pupils served by the
2 charter school.

3 5. The proposed sponsor of a charter school may request that
4 the Department review an application before review by the proposed
5 sponsor to determine whether the application is substantially
6 complete and compliant. Upon such a request, the Department shall
7 review an application to form a charter school to determine whether
8 it is substantially complete and compliant. If an application proposes
9 to convert an existing public school, homeschool or other program
10 of home study into a charter school, the Department shall provide
11 written notice to the applicant that the application is ineligible for
12 consideration by the proposed sponsor ~~+~~, *unless the application*
13 *proposes to close a public school and reopen it as a charter school*
14 *under a restart model set forth in a petition pursuant to section 3*
15 *of this act.*

16 6. The Department shall provide written notice to the applicant
17 and the proposed sponsor of the charter school of its determination
18 whether the application is substantially complete and compliant. If
19 the Department determines that an application is not substantially
20 complete and compliant, the Department shall include in the written
21 notice the basis for that determination and the deficiencies in the
22 application. The staff designated by the Department shall meet with
23 the applicant to confer on the method to correct the identified
24 deficiencies. The applicant must be granted 30 days after receipt of
25 the written notice to correct any deficiencies identified in the written
26 notice and resubmit the application. If the Department determines an
27 application is substantially complete and compliant, the Department
28 shall transmit the application to the proposed sponsor for review
29 pursuant to NRS 386.525.

30 7. As used in subsection 1, “teacher” means a person who:

31 (a) Holds a current license to teach issued pursuant to chapter
32 391 of NRS or who previously held such a license and is retired, as
33 long as his or her license was held in good standing; and

34 (b) Has at least 2 years of experience as an employed teacher.

35 ➔ The term does not include a person who is employed as a
36 substitute teacher.

37 **Sec. 10.** NRS 386.525 is hereby amended to read as follows:

38 386.525 1. Except as otherwise provided in this subsection, a
39 committee to form a charter school may submit the application to
40 the proposed sponsor of the charter school. If the proposed sponsor
41 of a charter school requested that the Department review the
42 application pursuant to NRS 386.520 and the Department
43 determined that the application was not substantially complete and
44 compliant pursuant to that section, the application may not be
45 submitted to the proposed sponsor for review pursuant to this



1 section. If an application proposes to convert an existing public
2 school, homeschool or other program of home study into a charter
3 school, the proposed sponsor shall deny the application **H**, *unless*
4 *the application proposes to close a public school and reopen it as a*
5 *charter school under a restart model set forth in a petition*
6 *pursuant to section 3 of this act.*

7 2. If the board of trustees of a school district or a college or a
8 university within the Nevada System of Higher Education, as
9 applicable, receives an application to form a charter school, the
10 board of trustees or the institution, as applicable, shall consider the
11 application at a meeting that must be held not later than 45 days
12 after the receipt of the application, or a period mutually agreed upon
13 by the committee to form the charter school and the board of
14 trustees of the school district or the institution, as applicable, and
15 ensure that notice of the meeting has been provided pursuant to
16 chapter 241 of NRS. If the proposed sponsor requested that the
17 Department review the application pursuant to NRS 386.520, the
18 proposed sponsor shall be deemed to receive the application
19 pursuant to this subsection upon transmittal of the application from
20 the Department. The board of trustees, the college or the university,
21 as applicable, shall review an application to determine whether the
22 application:

23 (a) Complies with NRS 386.490 to 386.610, inclusive, and the
24 regulations applicable to charter schools; and

25 (b) Is complete in accordance with the regulations of the
26 Department.

27 3. The Department shall assist the board of trustees of a school
28 district, the college or the university, as applicable, in the review of
29 an application. The board of trustees, the college or the university,
30 as applicable, may approve an application if it satisfies the
31 requirements of paragraphs (a) and (b) of subsection 2. The board of
32 trustees, the college or the university, as applicable, shall provide
33 written notice to the applicant of its approval or denial of the
34 application.

35 4. If the board of trustees, the college or the university, as
36 applicable, denies an application, it shall include in the written
37 notice the reasons for the denial and the deficiencies in the
38 application. The applicant must be granted 30 days after receipt of
39 the written notice to correct any deficiencies identified in the written
40 notice and resubmit the application.

41 5. If the board of trustees, the college or the university, as
42 applicable, denies an application after it has been resubmitted
43 pursuant to subsection 4, the applicant may submit a written request
44 for sponsorship by the State Public Charter School Authority not
45 more than 30 days after receipt of the written notice of denial. Any



1 request that is submitted pursuant to this subsection must be
2 accompanied by the application to form the charter school.

3 6. If the State Public Charter School Authority receives an
4 application pursuant to subsection 1 or 5, it shall consider the
5 application at a meeting which must be held not later than 45 days
6 after receipt of the application. If the State Public Charter School
7 Authority requested that the Department review the application
8 pursuant to NRS 386.520, the State Public Charter School Authority
9 shall be deemed to receive the application pursuant to this
10 subsection upon transmittal of the application from the Department.
11 Notice of the meeting must be posted in accordance with chapter
12 241 of NRS. The State Public Charter School Authority shall review
13 the application in accordance with the factors set forth in paragraphs
14 (a) and (b) of subsection 2. The Department shall assist the State
15 Public Charter School Authority in the review of an application. The
16 State Public Charter School Authority may approve an application if
17 it satisfies the requirements of paragraphs (a) and (b) of subsection
18 2. Not more than 30 days after the meeting, the State Public Charter
19 School Authority shall provide written notice of its determination to
20 the applicant.

21 7. If the State Public Charter School Authority denies or fails
22 to act upon an application, the denial or failure to act must be based
23 upon a finding that the applicant failed to adequately address
24 objective criteria established by regulation of the Department or the
25 State Board. The State Public Charter School Authority shall
26 include in the written notice the reasons for the denial or the failure
27 to act and the deficiencies in the application. The staff designated by
28 the State Public Charter School Authority shall meet with the
29 applicant to confer on the method to correct the identified
30 deficiencies. The applicant must be granted 30 days after receipt of
31 the written notice to correct any deficiencies identified in the written
32 notice and resubmit the application.

33 8. If the State Public Charter School Authority denies an
34 application after it has been resubmitted pursuant to subsection 7,
35 the applicant may, not more than 30 days after the receipt of the
36 written notice from the State Public Charter School Authority,
37 appeal the final determination to the district court of the county in
38 which the proposed charter school will be located.

39 9. On or before January 1 of each odd-numbered year, the
40 Superintendent of Public Instruction shall submit a written report to
41 the Director of the Legislative Counsel Bureau for transmission to
42 the next regular session of the Legislature. The report must include:

43 (a) A list of each application to form a charter school that was
44 submitted to the board of trustees of a school district, the State



1 Public Charter School Authority, a college or a university during the
2 immediately preceding biennium;

3 (b) The educational focus of each charter school for which an
4 application was submitted;

5 (c) The current status of the application; and

6 (d) If the application was denied, the reasons for the denial.

7 **Sec. 11.** NRS 386.570 is hereby amended to read as follows:

8 386.570 1. Each pupil who is enrolled in a charter school,
9 including, without limitation, a pupil who is enrolled in a program
10 of special education in a charter school, must be included in the
11 count of pupils in the school district for the purposes of
12 apportionments and allowances from the State Distributive School
13 Account pursuant to NRS 387.121 to 387.126, inclusive, unless the
14 pupil is exempt from compulsory attendance pursuant to NRS
15 392.070. A charter school is entitled to receive its proportionate
16 share of any other money available from federal, state or local
17 sources that the school or the pupils who are enrolled in the school
18 are eligible to receive. If a charter school receives special education
19 program units directly from this State, the amount of money for
20 special education that the school district pays to the charter school
21 may be reduced proportionately by the amount of money the charter
22 school received from this State for that purpose. The State Board
23 shall prescribe a process which ensures that all charter schools,
24 regardless of the sponsor, have information about all sources of
25 funding for the *system of public ~~schools~~ education* provided
26 through the Department, including local funds pursuant to
27 NRS 387.1235.

28 2. All money received by the charter school from this State or
29 from the board of trustees of a school district must be deposited in
30 an account with a bank, credit union or other financial institution in
31 this State. The governing body of a charter school may negotiate
32 with the board of trustees of the school district and the State Board
33 for additional money to pay for services which the governing body
34 wishes to offer.

35 3. Upon completion of each school quarter, the Superintendent
36 of Public Instruction shall pay to the sponsor of a charter school
37 one-quarter of the yearly sponsorship fee for the administrative costs
38 associated with sponsorship for that school quarter, which must be
39 deducted from the quarterly apportionment to the charter school
40 made pursuant to NRS 387.124. Except as otherwise provided in
41 subsection 4, the yearly sponsorship fee for the sponsor of a charter
42 school must be in an amount of money not to exceed 2 percent of
43 the total amount of money apportioned to the charter school during
44 the school year pursuant to NRS 387.124.



1 4. If the governing body of a charter school satisfies the
2 requirements of this subsection, the governing body may submit a
3 request to the sponsor of the charter school for approval of a
4 sponsorship fee in an amount that is less than 2 percent but at least 1
5 percent of the total amount of money apportioned to the charter
6 school during the school year pursuant to NRS 387.124. The
7 sponsor of the charter school shall approve such a request if the
8 sponsor of the charter school determines that the charter school
9 satisfies the requirements of this subsection. If the sponsor of the
10 charter school approves such a request, the sponsor shall provide
11 notice of the decision to the governing body of the charter school
12 and the Superintendent of Public Instruction. If the sponsor of
13 the charter school denies such a request, the governing body of the
14 charter school may appeal the decision of the sponsor to the
15 Superintendent of Public Instruction. Upon appeal, the sponsor of
16 the charter school and the governing body of the charter school are
17 entitled to present evidence. The decision of the Superintendent of
18 Public Instruction on the appeal is final and is not subject to judicial
19 review. The governing body of a charter school may submit a
20 request for a reduction of the sponsorship fee pursuant to this
21 subsection if:

22 (a) The charter school satisfies the requirements of subsection 1
23 of NRS 386.5515; and

24 (b) There has been a decrease in the duties of the sponsor of the
25 charter school that justifies a decrease in the sponsorship fee.

26 5. To determine the amount of money for distribution to a
27 charter school in its first year of operation, the count of pupils who
28 are enrolled in the charter school must initially be determined 30
29 days before the beginning of the school year of the school district,
30 based on the number of pupils whose applications for enrollment
31 have been approved by the charter school. The count of pupils who
32 are enrolled in the charter school must be revised on the last day of
33 the first school month of the school district in which the charter
34 school is located for the school year, based on the actual number of
35 pupils who are enrolled in the charter school. Pursuant to subsection
36 ~~5~~ 6 of NRS 387.124, the governing body of a charter school may
37 request that the apportionments made to the charter school in its first
38 year of operation be paid to the charter school 30 days before the
39 apportionments are otherwise required to be made.

40 6. If a charter school ceases to operate as a charter school
41 during a school year, the remaining apportionments that would have
42 been made to the charter school pursuant to NRS 387.124 for that
43 year must be paid on a proportionate basis to the school districts
44 where the pupils who were enrolled in the charter school reside.



1 7. The governing body of a charter school may solicit and
2 accept donations, money, grants, property, loans, personal services
3 or other assistance for purposes relating to education from members
4 of the general public, corporations or agencies. The governing body
5 may comply with applicable federal laws and regulations governing
6 the provision of federal grants for charter schools. The State Public
7 Charter School Authority may assist a charter school that operates
8 exclusively for the enrollment of pupils who receive special
9 education in identifying sources of money that may be available
10 from the Federal Government or this State for the provision of
11 educational programs and services to such pupils.

12 8. If a charter school uses money received from this State to
13 purchase real property, buildings, equipment or facilities, the
14 governing body of the charter school shall assign a security interest
15 in the property, buildings, equipment and facilities to the State of
16 Nevada.

17 **Sec. 12.** NRS 387.035 is hereby amended to read as follows:

18 387.035 The State Controller shall keep a separate and distinct
19 account of:

20 1. The State Permanent School Fund.

21 2. The interest and income of the State Permanent School
22 Fund.

23 3. All moneys derived from special appropriations or otherwise
24 for the support of *the system of* public ~~schools~~ *education*.

25 **Sec. 13.** NRS 387.040 is hereby amended to read as follows:

26 387.040 1. Except as otherwise provided in subsection 2 and
27 NRS 387.528, the State Treasurer shall pay over all *money for the*
28 *system of* public ~~school money~~ *education* received by the State
29 Treasurer for the support of school districts only on warrants of the
30 State Controller issued upon the orders of the Superintendent of
31 Public Instruction in favor of county treasurers. When endorsed, the
32 orders are valid vouchers in the hands of the State Controller for the
33 disbursement of *money for the system of* public ~~school money~~
34 *education*.

35 2. Except as otherwise provided in NRS 387.528, if the board
36 of trustees of a school district establishes and administers a separate
37 account pursuant to the provisions of NRS 354.603, the State
38 Treasurer shall pay over to the school district all *money for the*
39 *system of* public ~~school money~~ *education* due the school district.

40 3. The State Treasurer shall pay over all *money for the system*
41 *of* public ~~school money~~ *education* received by the State Treasurer
42 for the support of charter schools only on warrants of the State
43 Controller issued upon the orders of the Superintendent of Public
44 Instruction in favor of the charter schools. When endorsed, the
45 orders are valid vouchers in the hands of the State Controller for the



1 disbursement of *money for the system of* public ~~school money~~
2 *education.*

3 **Sec. 14.** NRS 387.045 is hereby amended to read as follows:

4 387.045 1. No portion of the *money for the system of* public
5 ~~school funds~~ *education* or of the money specially appropriated for
6 the purpose of *the system of* public ~~schools~~ *education* shall be
7 devoted to any other object or purpose.

8 2. No portion of the *money for the system of* public ~~school~~
9 ~~funds~~ *education* shall in any way be segregated, divided or set
10 apart for the use or benefit of any sectarian or secular society or
11 association.

12 **Sec. 15.** NRS 387.121 is hereby amended to read as follows:

13 387.121 The Legislature declares that the proper objective of
14 state financial aid to *the system of* public education is to ensure each
15 Nevada child a reasonably equal educational opportunity.
16 Recognizing wide local variations in wealth and costs per pupil, this
17 State should supplement local financial ability to whatever extent
18 necessary in each school district to provide programs of instruction
19 in both compulsory and elective subjects that offer full opportunity
20 for every Nevada child to receive the benefit of the purposes for
21 which *the system of* public ~~schools are~~ *education is* maintained.
22 Therefore, the quintessence of the State's financial obligation for
23 such programs can be expressed in a formula partially on a per pupil
24 basis and partially on a per program basis as: State financial aid to
25 school districts equals the difference between school district basic
26 support guarantee and local available funds produced by mandatory
27 taxes minus all the local funds attributable to pupils who reside in
28 the county but attend a charter school or a university school for
29 profoundly gifted pupils ~~+~~ *and minus the amount of the vouchers*
30 *paid on behalf of pupils who reside in the school district, attend a*
31 *nonsectarian private school and receive a voucher pursuant to*
32 *section 4 of this act.* This formula is designated the Nevada Plan.

33 **Sec. 16.** NRS 387.1211 is hereby amended to read as follows:

34 387.1211 As used in NRS 387.121 to 387.126, inclusive:

35 1. "Average daily attendance" means the total number of pupils
36 attending a particular school each day during a period of reporting
37 divided by the number of days school is in session during that
38 period.

39 2. "Enrollment" means the count of pupils *who:*

40 (a) *Are* enrolled in and scheduled to attend programs of
41 instruction of a school district ~~+~~ ;

42 (b) *Are enrolled in a* charter school ~~+~~ ;

43 (c) *Are enrolled in a* university school for profoundly gifted
44 pupils ; *or*



1 *(d) Are enrolled in a nonsectarian private school and receive a*
2 *voucher pursuant to section 4 of this act,*

3 *↪ at a specified time during the school year.*

4 3. "Special education program unit" means an organized unit
5 of special education and related services which includes full-time
6 services of persons licensed by the Superintendent of Public
7 Instruction or other appropriate licensing body, providing a program
8 of instruction in accordance with minimum standards prescribed by
9 the State Board.

10 **Sec. 17.** NRS 387.1233 is hereby amended to read as follows:

11 387.1233 1. Except as otherwise provided in subsection 2,
12 basic support of each school district must be computed by:

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

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

21 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
22 on the last day of the first school month of the school district for the
23 school year, including, without limitation, the count of pupils who
24 ~~reside~~:

25 *(I) Reside* in the county and are enrolled in any charter
26 school on the last day of the first school month of the school district
27 for the school year ;

28 *(II) Are enrolled in a nonsectarian private school*
29 *located in the county and receive a voucher pursuant to section 4*
30 *of this act;* and ~~the count of pupils who are~~

31 *(III) Are* enrolled in a university school for profoundly
32 gifted pupils located in the county.

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

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

40 (I) In a public school of the school district and are
41 concurrently enrolled part-time in a program of distance education
42 provided by another school district or a charter school on the last
43 day of the first school month of the school district for the school
44 year, expressed as a percentage of the total time services are
45 provided to those pupils per school day in proportion to the total



1 time services are provided during a school day to *public school*
2 pupils who are counted pursuant to subparagraph (2).

3 (II) In a charter school and are concurrently enrolled part-
4 time in a program of distance education provided by a school district
5 or another charter school on the last day of the first school month of
6 the school district for the school year, expressed as a percentage of
7 the total time services are provided to those pupils per school day in
8 proportion to the total time services are provided during a school
9 day to *public school* pupils who are counted pursuant to
10 subparagraph (2).

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

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

22 (7) The count of children detained in facilities for the
23 detention of children, alternative programs and juvenile forestry
24 camps receiving instruction pursuant to the provisions of NRS
25 388.550, 388.560 and 388.570 on the last day of the first school
26 month of the school district for the school year.

27 (8) The count of pupils who are enrolled in classes for at
28 least one semester pursuant to subsection 4 of NRS 386.560,
29 subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070,
30 expressed as a percentage of the total time services are provided to
31 those pupils per school day in proportion to the total time services
32 are provided during a school day to *public school* pupils who are
33 counted pursuant to subparagraph (2).

34 (b) Multiplying the number of special education program units
35 maintained and operated by the amount per program established for
36 that school year.

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

38 2. Except as otherwise provided in subsection 4, if the
39 enrollment of pupils in a school district or a charter school that is
40 located within the school district on the last day of the first school
41 month of the school district for the school year is less than or equal
42 to 95 percent of the enrollment of pupils in the same school district
43 or charter school on the last day of the first school month of the
44 school district for the immediately preceding school year, the largest
45 number from among the immediately preceding 2 school years must



1 be used for purposes of apportioning money from the State
2 Distributive School Account to that school district or charter school
3 pursuant to NRS 387.124.

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

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

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

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

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

36 **Sec. 18.** NRS 387.124 is hereby amended to read as follows:

37 387.124 Except as otherwise provided in this section and
38 NRS 387.528:

39 1. On or before August 1, November 1, February 1 and May 1
40 of each year, the Superintendent of Public Instruction shall
41 apportion the State Distributive School Account in the State General
42 Fund among the several county school districts, charter schools and
43 university schools for profoundly gifted pupils in amounts
44 approximating one-fourth of their respective yearly apportionments
45 less any amount set aside as a reserve.



1 2. Except as otherwise provided in NRS 387.1244, the
2 apportionment to a school district, computed on a yearly basis,
3 equals the difference between the basic support and the local funds
4 available pursuant to NRS 387.1235, minus ~~fall~~:

5 (a) All the funds attributable to pupils who reside in the county
6 but attend a charter school ~~is~~ all;

7 (b) All the funds attributable to pupils who reside in the county
8 and are enrolled full-time or part-time in a program of distance
9 education provided by another school district or a charter school
10 ~~and all~~;

11 (c) All the funds attributable to pupils who are enrolled in a
12 university school for profoundly gifted pupils located in the county
13 ~~is~~; and

14 (d) *The amount of the vouchers paid on behalf of pupils who*
15 *reside in the school district and who receive a voucher to attend a*
16 *nonsectarian private school pursuant to section 4 of this act.*

17 ↪ No apportionment may be made to a school district if the amount
18 of the local funds exceeds the amount of basic support.

19 ~~2-~~ 3. Except as otherwise provided in subsection ~~3-~~ 4 and
20 NRS 387.1244, the apportionment to a charter school, computed on
21 a yearly basis, is equal to the sum of the basic support per pupil in
22 the county in which the pupil resides plus the amount of local funds
23 available per pupil pursuant to NRS 387.1235 and all other funds
24 available for *the system of public* ~~schools~~ *education* in the county
25 in which the pupil resides minus the sponsorship fee prescribed by
26 NRS 386.570 and minus all the funds attributable to pupils who are
27 enrolled in the charter school but are concurrently enrolled part-time
28 in a program of distance education provided by a school district or
29 another charter school. If the apportionment per pupil to a charter
30 school is more than the amount to be apportioned to the school
31 district in which a pupil who is enrolled in the charter school
32 resides, the school district in which the pupil resides shall pay the
33 difference directly to the charter school.

34 ~~3-~~ 4. Except as otherwise provided in NRS 387.1244, the
35 apportionment to a charter school that is sponsored by the State
36 Public Charter School Authority or by a college or university within
37 the Nevada System of Higher Education, computed on a yearly
38 basis, is equal to the sum of the basic support per pupil in the county
39 in which the pupil resides plus the amount of local funds available
40 per pupil pursuant to NRS 387.1235 and all other funds available for
41 *the system of public* ~~schools~~ *education* in the county in which the
42 pupil resides, minus the sponsorship fee prescribed by NRS 386.570
43 and minus all funds attributable to pupils who are enrolled in the
44 charter school but are concurrently enrolled part-time in a program



1 of distance education provided by a school district or another charter
2 school.

3 ~~4-1~~ 5. Except as otherwise provided in NRS 387.1244, in
4 addition to the apportionments made pursuant to this section, an
5 apportionment must be made to a school district or charter school
6 that provides a program of distance education for each pupil who is
7 enrolled part-time in the program. The amount of the apportionment
8 must be equal to the percentage of the total time services are
9 provided to the pupil through the program of distance education per
10 school day in proportion to the total time services are provided
11 during a school day to *public school* pupils who are counted
12 pursuant to subparagraph (2) of paragraph (a) of subsection 1 of
13 NRS 387.1233 for the school district in which the pupil resides.

14 ~~15-1~~ 6. The governing body of a charter school may submit a
15 written request to the Superintendent of Public Instruction to
16 receive, in the first year of operation of the charter school, an
17 apportionment 30 days before the apportionment is required to be
18 made pursuant to subsection 1. Upon receipt of such a request, the
19 Superintendent of Public Instruction may make the apportionment
20 30 days before the apportionment is required to be made. A charter
21 school may receive all four apportionments in advance in its first
22 year of operation.

23 ~~16-1~~ 7. Except as otherwise provided in NRS 387.1244, the
24 apportionment to a university school for profoundly gifted pupils,
25 computed on a yearly basis, is equal to the sum of the basic support
26 per pupil in the county in which the university school is located plus
27 the amount of local funds available per pupil pursuant to NRS
28 387.1235 and all other funds available for *the system of* public
29 ~~schools~~ *education* in the county in which the university school is
30 located. If the apportionment per pupil to a university school for
31 profoundly gifted pupils is more than the amount to be apportioned
32 to the school district in which the university school is located, the
33 school district shall pay the difference directly to the university
34 school. The governing body of a university school for profoundly
35 gifted pupils may submit a written request to the Superintendent of
36 Public Instruction to receive, in the first year of operation of the
37 university school, an apportionment 30 days before the
38 apportionment is required to be made pursuant to subsection 1.
39 Upon receipt of such a request, the Superintendent of Public
40 Instruction may make the apportionment 30 days before the
41 apportionment is required to be made. A university school for
42 profoundly gifted pupils may receive all four apportionments in
43 advance in its first year of operation.

44 ~~17-1~~ 8. The Superintendent of Public Instruction shall
45 apportion, on or before August 1 of each year, the money designated



1 as the “Nutrition State Match” pursuant to NRS 387.105 to those
2 school districts that participate in the National School Lunch
3 Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school
4 district must be directly related to the district’s reimbursements for
5 the Program as compared with the total amount of reimbursements
6 for all school districts in this State that participate in the Program.

7 ~~18-1~~ 9. If the State Controller finds that such an action is
8 needed to maintain the balance in the State General Fund at a level
9 sufficient to pay the other appropriations from it, the State
10 Controller may pay out the apportionments monthly, each
11 approximately one-twelfth of the yearly apportionment less any
12 amount set aside as a reserve. If such action is needed, the State
13 Controller shall submit a report to the Department of Administration
14 and the Fiscal Analysis Division of the Legislative Counsel Bureau
15 documenting reasons for the action.

16 **Sec. 19.** NRS 387.185 is hereby amended to read as follows:

17 387.185 1. Except as otherwise provided in subsection 2 and
18 NRS 387.528, unless the Superintendent of Public Instruction
19 authorizes a withholding pursuant to NRS 387.1244, all ~~school~~
20 money *for the system of public education* due each county school
21 district must be paid over by the State Treasurer to the county
22 treasurer on August 1, November 1, February 1 and May 1 of each
23 year or as soon thereafter as the county treasurer may apply for it,
24 upon the warrant of the State Controller drawn in conformity with
25 the apportionment of the Superintendent of Public Instruction as
26 provided in NRS 387.124.

27 2. Except as otherwise provided in NRS 387.528, unless the
28 Superintendent of Public Instruction authorizes a withholding
29 pursuant to NRS 387.1244, if the board of trustees of a school
30 district establishes and administers a separate account pursuant to
31 the provisions of NRS 354.603, all ~~school~~ money *for the system of*
32 *public education* due that school district must be paid over by the
33 State Treasurer to the school district on August 1, November 1,
34 February 1 and May 1 of each year or as soon thereafter as the
35 school district may apply for it, upon the warrant of the State
36 Controller drawn in conformity with the apportionment of the
37 Superintendent of Public Instruction as provided in NRS 387.124.

38 3. No county school district may receive any portion of the
39 *money for the system of* public ~~school-money~~ *education* unless
40 that school district has complied with the provisions of this title and
41 regulations adopted pursuant thereto.

42 4. Except as otherwise provided in this subsection, unless the
43 Superintendent of Public Instruction authorizes a withholding
44 pursuant to NRS 387.1244, all ~~school~~ money *for the system of*
45 *public education* due each charter school must be paid over by the



1 State Treasurer to the governing body of the charter school on
2 August 1, November 1, February 1 and May 1 of each year or as
3 soon thereafter as the governing body may apply for it, upon the
4 warrant of the State Controller drawn in conformity with the
5 apportionment of the Superintendent of Public Instruction as
6 provided in NRS 387.124. If the Superintendent of Public
7 Instruction has approved, pursuant to subsection ~~6~~ 6 of NRS
8 387.124, a request for payment of an apportionment 30 days before
9 the apportionment is otherwise required to be made, the money due
10 ~~to~~ the charter school must be paid by the State Treasurer to the
11 governing body of the charter school on July 1, October 1, January 1
12 or April 1, as applicable.

13 5. Except as otherwise provided in this subsection, unless the
14 Superintendent of Public Instruction authorizes a withholding
15 pursuant to NRS 387.1244, all ~~school~~ money *for the system of*
16 *public education* due each university school for profoundly gifted
17 pupils must be paid over by the State Treasurer to the governing
18 body of the university school on August 1, November 1, February 1
19 and May 1 of each year or as soon thereafter as the governing body
20 may apply for it, upon the warrant of the State Controller drawn in
21 conformity with the apportionment of the Superintendent of Public
22 Instruction as provided in NRS 387.124. If the Superintendent of
23 Public Instruction has approved, pursuant to subsection ~~6~~ 7 of
24 NRS 387.124, a request for payment of an apportionment 30 days
25 before the apportionment is otherwise required to be made, the
26 money due ~~to~~ the university school must be paid by the State
27 Treasurer to the governing body of the university school on July 1,
28 October 1, January 1 or April 1, as applicable.

29 **Sec. 20.** NRS 387.195 is hereby amended to read as follows:

30 387.195 1. Each board of county commissioners shall levy a
31 tax of 75 cents on each \$100 of assessed valuation of taxable
32 property within the county for the support of the *system of* public
33 ~~schools~~ *education* within the county school district.

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

41 3. In addition to any tax levied in accordance with subsection
42 1, each board of county commissioners shall levy a tax for the
43 payment of interest and redemption of outstanding bonds of the
44 county school district.



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

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

7 **Sec. 21.** NRS 387.210 is hereby amended to read as follows:

8 387.210 Except when the board of trustees of a county school
9 district elects to establish a separate account under the provisions of
10 NRS 354.603, each county treasurer shall:

11 1. Receive and hold as a special deposit all *money for the*
12 *system of public ~~school moneys,~~ education*, whether received by
13 the county treasurer from the State Treasurer or raised by the county
14 for the benefit of the *system of public ~~schools,~~ education*, or from
15 any other source, and keep separate accounts thereof and of their
16 disbursements.

17 2. Pay over all *money for the system of public ~~school moneys,~~*
18 *education* received by the county treasurer only on warrants of the
19 county auditor, issued upon orders of the board of trustees of the
20 county school district. All orders issued in accordance with law by
21 the board of trustees ~~shall be~~ *are* valid vouchers in the hands of the
22 county auditors for warrants drawn upon such orders.

23 **Sec. 22.** NRS 387.225 is hereby amended to read as follows:

24 387.225 No tax collector or county treasurer shall receive any
25 fees or compensation whatever for collecting, receiving, keeping,
26 transporting or disbursing any *money for the system of public*
27 *~~school moneys,~~ education*.

28 **Sec. 23.** NRS 387.315 is hereby amended to read as follows:

29 387.315 1. Every order drawn by the clerk of the board of
30 trustees of a school district must be accompanied by an itemized
31 statement of the purpose or purposes for which the order is issued,
32 and a true copy of an itemized invoice drawn by the person,
33 association, firm or corporation in whose favor the order is drawn.
34 The statement and a true copy of the invoice must be filed in the
35 office of the county auditor and is subject to inspection by the
36 Superintendent of Public Instruction. Statements and invoices shall
37 be kept on file until ordered destroyed by the Superintendent.

38 2. No order for the payment of money of any school district
39 may be issued by the clerk of the board of trustees unless there is in
40 the county treasury, to the credit of the school district, a sum of
41 money equal to the full amount for which the order is issued, and
42 available for the purpose of the order.

43 3. If the clerk of any board of trustees draws any order for the
44 payment of ~~school~~ *money for the system of public education* in



1 violation of law, the members of the board of trustees are jointly and
2 severally liable for the amount of the order.

3 **Sec. 24.** NRS 388.040 is hereby amended to read as follows:

4 388.040 1. Except as otherwise provided in subsection 2, the
5 board of trustees of a school district that includes more than one
6 school which offers instruction in the same grade or grades may
7 zone the school district and determine which pupils must attend
8 each school.

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

11 (a) Charter school;

12 (b) University school for profoundly gifted pupils;

13 (c) Public school outside the zone of attendance that the pupil is
14 otherwise required to attend if the pupil is enrolled in the Program
15 of School Choice for Children in Foster Care established pursuant to
16 NRS 392B.100; ~~for~~

17 (d) Public school outside the zone of attendance that the pupil is
18 otherwise required to attend if the pupil has been issued a fictitious
19 address pursuant to NRS 217.462 to 217.471, inclusive, or the
20 parent or legal guardian with whom the pupil resides has been
21 issued a fictitious address pursuant to NRS 217.462 to 217.471,
22 inclusive ~~+~~ ; or

23 (e) *Public school outside the zone of attendance that the pupil*
24 *is otherwise required to attend if the board of trustees of a school*
25 *district approves an application for the pupil to attend another*
26 *public school pursuant to section 5 of this act.*

27 **Sec. 25.** NRS 388.150 is hereby amended to read as follows:

28 388.150 1. No books, tracts or papers of a sectarian or
29 denominational character may be used or introduced in any public
30 school established pursuant to the provisions of this title of NRS,
31 nor may any sectarian or denominational doctrines be taught in any
32 public school.

33 2. Any school district or charter school whose officers
34 knowingly allow any public schools to be taught in violation of this
35 section forfeits all right to any *money for the system of* public
36 ~~school funds.~~ *education.*

37 3. Nothing in this section prohibits a school district or charter
38 school from complying with applicable federal laws, such as the
39 Equal Access Act, 20 U.S.C. §§ 4071 et seq.

40 **Sec. 26.** NRS 392.070 is hereby amended to read as follows:

41 392.070 1. Attendance of a child required by the provisions
42 of NRS 392.040 must be excused when:

43 (a) The child is enrolled in a private school pursuant to chapter
44 394 of NRS ~~+~~ , *including, without limitation, a private school that*



1 *receives a voucher on behalf of the child pursuant to section 4 of*
2 *this act;* or

3 (b) A parent of the child chooses to provide education to the
4 child and files a notice of intent to homeschool the child with the
5 superintendent of schools of the school district in which the child
6 resides in accordance with NRS 392.700.

7 2. The board of trustees of each school district shall provide
8 programs of special education and related services for
9 homeschooled children. The programs of special education and
10 related services required by this section must be made available:

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

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

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

22 3. Except as otherwise provided in subsection 2 for programs
23 of special education and related services, upon the request of a
24 parent or legal guardian of a child who is enrolled in a private
25 school or a parent or legal guardian of a homeschooled child, the
26 board of trustees of the school district in which the child resides
27 shall authorize the child to participate in any classes and
28 extracurricular activities, excluding sports, at a public school within
29 the school district if:

30 (a) Space for the child in the class or extracurricular activity is
31 available;

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

35 (c) If the child is a homeschooled child, a notice of intent of a
36 homeschooled child to participate in programs and activities is filed
37 for the child with the school district for the current school year
38 pursuant to NRS 392.705.

39 ↪ If the board of trustees of a school district authorizes a child to
40 participate in a class or extracurricular activity, excluding sports,
41 pursuant to this subsection, the board of trustees is not required to
42 provide transportation for the child to attend the class or activity. A
43 homeschooled child must be allowed to participate in interscholastic
44 activities and events governed by the Nevada Interscholastic
45 Activities Association pursuant to NRS 386.420 to 386.470,



1 inclusive, and interscholastic activities and events, including sports,
2 pursuant to subsection 5.

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

11 5. In addition to those interscholastic activities and events
12 governed by the Nevada Interscholastic Activities Association
13 pursuant to NRS 386.420 to 386.470, inclusive, a homeschooled
14 child must be allowed to participate in interscholastic activities and
15 events, including sports, if a notice of intent of a homeschooled
16 child to participate in programs and activities is filed for the child
17 with the school district for the current school year pursuant to NRS
18 392.705. A homeschooled child who participates in interscholastic
19 activities and events at a public school pursuant to this subsection
20 must participate within the school district of the child's residence
21 through the public school which the child is otherwise zoned to
22 attend. Any rules or regulations that apply to pupils enrolled in
23 public schools who participate in interscholastic activities and
24 events, including sports, apply in the same manner to homeschooled
25 children who participate in interscholastic activities and events,
26 including, without limitation, provisions governing:

- 27 (a) Eligibility and qualifications for participation;
- 28 (b) Fees for participation;
- 29 (c) Insurance;
- 30 (d) Transportation;
- 31 (e) Requirements of physical examination;
- 32 (f) Responsibilities of participants;
- 33 (g) Schedules of events;
- 34 (h) Safety and welfare of participants;
- 35 (i) Eligibility for awards, trophies and medals;
- 36 (j) Conduct of behavior and performance of participants; and
- 37 (k) Disciplinary procedures.

38 6. If a homeschooled child participates in interscholastic
39 activities and events pursuant to subsection 5:

40 (a) No challenge may be brought by the Association, a school
41 district, a public school or a private school, a parent or guardian of a
42 pupil enrolled in a public school or a private school, a pupil enrolled
43 in a public school or a private school, or any other entity or person
44 claiming that an interscholastic activity or event is invalid because
45 the homeschooled child is allowed to participate.



1 (b) Neither the school district nor a public school may prescribe
2 any regulations, rules, policies, procedures or requirements
3 governing the eligibility or participation of the homeschooled child
4 that are more restrictive than the provisions governing the eligibility
5 and participation of pupils enrolled in public schools.

6 7. The programs of special education and related services
7 required by subsection 2 may be offered at a public school or
8 another location that is appropriate.

9 8. The board of trustees of a school district:

10 (a) May, before providing programs of special education and
11 related services to a homeschooled child pursuant to subsection 2,
12 require proof of the identity of the child, including, without
13 limitation, the birth certificate of the child or other documentation
14 sufficient to establish the identity of the child.

15 (b) May, before authorizing a homeschooled child to participate
16 in a class or extracurricular activity, excluding sports, pursuant to
17 subsection 3, require proof of the identity of the child, including,
18 without limitation, the birth certificate of the child or other
19 documentation sufficient to establish the identity of the child.

20 (c) Shall, before allowing a homeschooled child to participate in
21 interscholastic activities and events governed by the Nevada
22 Interscholastic Activities Association pursuant to NRS 386.420 to
23 386.470, inclusive, and interscholastic activities and events pursuant
24 to subsection 5, require proof of the identity of the child, including,
25 without limitation, the birth certificate of the child or other
26 documentation sufficient to establish the identity of the child.

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

31 10. As used in this section, "related services" has the meaning
32 ascribed to it in 20 U.S.C. § 1401.

33 **Sec. 27.** NRS 392A.083 is hereby amended to read as follows:

34 392A.083 1. Each pupil who is enrolled in a university
35 school for profoundly gifted pupils, including, without limitation, a
36 pupil who is enrolled in a program of special education in a
37 university school for profoundly gifted pupils, must be included in
38 the count of pupils in the school district in which the school is
39 located for the purposes of apportionments and allowances from the
40 State Distributive School Account pursuant to NRS 387.121 to
41 387.126, inclusive, unless the pupil is exempt from compulsory
42 school attendance pursuant to NRS 392.070.

43 2. A university school for profoundly gifted pupils is entitled to
44 receive its proportionate share of any other money available from



1 federal, state or local sources that the school or the pupils who are
2 enrolled in the school are eligible to receive.

3 3. If a university school for profoundly gifted pupils receives
4 money for special education program units directly from this State,
5 the amount of money for special education that the school district
6 pays to the university school for profoundly gifted pupils may be
7 reduced proportionately by the amount of money the university
8 school received from this State for that purpose.

9 4. All money received by a university school for profoundly
10 gifted pupils from this State or from the board of trustees of a school
11 district must be deposited in an account with a bank, credit union or
12 other financial institution in this State.

13 5. The governing body of a university school for profoundly
14 gifted pupils may negotiate with the board of trustees of the school
15 district in which the school is located or the State Board for
16 additional money to pay for services that the governing body wishes
17 to offer.

18 6. To determine the amount of money for distribution to a
19 university school for profoundly gifted pupils in its first year of
20 operation in which state funding is provided, the count of pupils
21 who are enrolled in the university school must initially be
22 determined 30 days before the beginning of the school year of the
23 school district in which the university school is located, based upon
24 the number of pupils whose applications for enrollment have been
25 approved by the university school. The count of pupils who are
26 enrolled in a university school for profoundly gifted pupils must be
27 revised on the last day of the first school month of the school district
28 in which the university school is located for the school year, based
29 upon the actual number of pupils who are enrolled in the university
30 school.

31 7. Pursuant to subsection ~~6~~ 7 of NRS 387.124, the governing
32 body of a university school for profoundly gifted pupils may request
33 that the apportionments made to the university school in its first year
34 of operation be paid to the university school 30 days before the
35 apportionments are otherwise required to be made.

36 8. If a university school for profoundly gifted pupils ceases to
37 operate pursuant to this chapter during a school year, the remaining
38 apportionments that would have been made to the university school
39 pursuant to NRS 387.124 for that school year must be paid on a
40 proportionate basis to the school districts where the pupils who were
41 enrolled in the university school reside.

42 9. If the governing body of a university school for profoundly
43 gifted pupils uses money received from this State to purchase real
44 property, buildings, equipment or facilities, the governing body of



1 the university school shall assign a security interest in the property,
2 buildings, equipment and facilities to the State of Nevada.

3 **Sec. 28.** NRS 394.130 is hereby amended to read as follows:

4 394.130 1. In order to secure uniform and standard work for
5 pupils in private schools in this State, instruction in the subjects
6 required by law for pupils in the public schools shall be required of
7 pupils receiving instruction in such private schools, either under the
8 regular state courses of study prescribed by the State Board of
9 Education or under courses of study prepared by such private
10 schools and approved by the State Board of Education.

11 2. Such private schools shall be required to furnish from time
12 to time such reports as the Superintendent of Public Instruction may
13 find necessary as to enrollment, attendance and general progress
14 within such schools.

15 3. Nothing in this section shall be so construed as:

16 (a) To interfere with the right of the proper authorities having
17 charge of private schools to give religious instruction to the pupils
18 enrolled therein.

19 (b) ~~to~~ *Except as otherwise provided in section 4 of this act,*
20 *to* give such private schools any right to share in the *money for the*
21 *system of* public ~~school funds~~ *education* apportioned for the
22 support of the public schools of this State.

23 **Sec. 29.** NRS 41.0305 is hereby amended to read as follows:

24 41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term
25 "political subdivision" includes an organization that was officially
26 designated as a community action agency pursuant to 42 U.S.C. §
27 2790 before that section was repealed and is included in the
28 definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the
29 Nevada Rural Housing Authority, an airport authority created by
30 special act of the Legislature, a regional transportation commission
31 and a fire protection district, irrigation district, school district,
32 governing body of a charter school, any other special district that
33 performs a governmental function, even though it does not exercise
34 general governmental powers, and the governing body of a
35 university school for profoundly gifted pupils. *The term does not*
36 *include a nonsectarian private school that receives a voucher*
37 *pursuant to section 4 of this act.*

38 **Sec. 30.** NRS 62A.260 is hereby amended to read as follows:

39 62A.260 "Public school" includes all kindergartens and
40 elementary schools, junior high schools and middle schools, high
41 schools, charter schools and any other schools, classes and
42 educational programs which receive their support through public
43 taxation and, except for charter schools, whose textbooks and
44 courses of study are under the control of the State Board of
45 Education. The term does not include a school or educational



1 program that is conducted exclusively for children who have been
2 adjudicated delinquent **H** *or a nonsectarian private school that*
3 *receives a voucher pursuant to section 4 of this act.*

4 **Sec. 31.** NRS 241.015 is hereby amended to read as follows:

5 241.015 As used in this chapter, unless the context otherwise
6 requires:

7 1. "Action" means:

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

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

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

15 (d) If all the members of a public body must be elected officials,
16 an affirmative vote taken by a majority of all the members of the
17 public body.

18 2. "Meeting":

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

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

24 (2) Any series of gatherings of members of a public body at
25 which:

26 (I) Less than a quorum is present at any individual
27 gathering;

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

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

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

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

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

44 3. Except as otherwise provided in this subsection, "public
45 body" means:



1 (a) Any administrative, advisory, executive or legislative body
2 of the State or a local government consisting of at least two persons
3 which expends or disburses or is supported in whole or in part by
4 tax revenue or which advises or makes recommendations to any
5 entity which expends or disburses or is supported in whole or in part
6 by tax revenue, including, but not limited to, any board,
7 commission, committee, subcommittee or other subsidiary thereof
8 and includes an educational foundation as defined in subsection 3 of
9 NRS 388.750 and a university foundation as defined in subsection 3
10 of NRS 396.405, if the administrative, advisory, executive or
11 legislative body is created by:

- 12 (1) The Constitution of this State;
13 (2) Any statute of this State;
14 (3) A city charter and any city ordinance which has been
15 filed or recorded as required by the applicable law;
16 (4) The Nevada Administrative Code;
17 (5) A resolution or other formal designation by such a body
18 created by a statute of this State or an ordinance of a local
19 government;
20 (6) An executive order issued by the Governor; or
21 (7) A resolution or an action by the governing body of a
22 political subdivision of this State;

23 (b) Any board, commission or committee consisting of at least
24 two persons appointed by:

25 (1) The Governor or a public officer who is under the
26 direction of the Governor, if the board, commission or committee
27 has at least two members who are not employees of the Executive
28 Department of the State Government;

29 (2) An entity in the Executive Department of the State
30 Government consisting of members appointed by the Governor, if
31 the board, commission or committee otherwise meets the definition
32 of a public body pursuant to this subsection; or

33 (3) A public officer who is under the direction of an agency
34 or other entity in the Executive Department of the State Government
35 consisting of members appointed by the Governor, if the board,
36 commission or committee has at least two members who are not
37 employed by the public officer or entity; and

38 (c) A limited-purpose association that is created for a rural
39 agricultural residential common-interest community as defined in
40 subsection 6 of NRS 116.1201.

41 ➤ “Public body” does not include the Legislature of the State of
42 Nevada ***† or a nonsectarian private school that receives a voucher***
43 ***pursuant to section 4 of this act.***



1 4. "Quorum" means a simple majority of the constituent
2 membership of a public body or another proportion established by
3 law.

4 **Sec. 32.** NRS 278C.250 is hereby amended to read as follows:

5 278C.250 1. After the effective date of the ordinance adopted
6 pursuant to NRS 278C.220, any taxes levied upon taxable property
7 in the tax increment area each year by or for the benefit of the State,
8 the municipality and any public body must be divided as follows:

9 (a) That portion of the taxes that would be produced by the rate
10 upon which the tax is levied each year by or for each of those taxing
11 agencies upon the total sum of the assessed value of the taxable
12 property in the tax increment area as shown upon the last equalized
13 assessment roll used in connection with the taxation of the property
14 by the taxing agency, must be allocated to and when collected must
15 be paid into the funds of the respective taxing agencies as taxes by
16 or for the taxing agencies on all other property are paid.

17 (b) Except as otherwise provided in this section, the portion of
18 the taxes levied each year in excess of the amount determined
19 pursuant to paragraph (a) must be allocated to, and when collected
20 must be paid into, the tax increment account pertaining to the
21 undertaking to pay the bond requirements of loans, money advanced
22 to, or indebtedness, whether funded, refunded, assumed or
23 otherwise, incurred by the municipality to finance or refinance, in
24 whole or in part, the undertaking. Unless the total assessed valuation
25 of the taxable property in the tax increment area exceeds the total
26 assessed value of the taxable property in the area as shown by the
27 last equalized assessment roll referred to in this subsection, all of the
28 taxes levied and collected upon the taxable property in the area must
29 be paid into the funds of the respective taxing agencies. When the
30 loans, advances and indebtedness, if any, and interest thereon, have
31 been paid, all money thereafter received from taxes upon the taxable
32 property in the tax increment area must be paid into the funds of the
33 respective taxing agencies as taxes on all other property are paid.

34 (c) The amount of the taxes levied each year which are paid into
35 the tax increment account pursuant to paragraph (b) must be limited
36 by the governing body to an amount not to exceed the combined
37 total amount required for annual debt service of the project or
38 projects acquired, improved or equipped, or any combination
39 thereof, as part of the undertaking.

40 (d) Any revenues generated within the tax increment district in
41 excess of the amount referenced in paragraph (c), if any, will be
42 paid into the funds of the respective taxing agencies in the same
43 proportion as their base amount was distributed.

44 2. Except as otherwise provided in this subsection, in any fiscal
45 year, the total revenue paid to a tax increment area in combination



1 with the total revenue paid to any other tax increment areas and any
2 redevelopment agencies of a municipality must not exceed:

3 (a) In a county whose population is 100,000 or more or a city
4 whose population is 150,000 or more, an amount equal to the
5 combined tax rates of the taxing agencies for that fiscal year
6 multiplied by 10 percent of the total assessed valuation of the
7 municipality.

8 (b) In a county whose population is less than 100,000 or a city
9 whose population is less than 150,000, an amount equal to the
10 combined tax rates of the taxing agencies for that fiscal year
11 multiplied by 15 percent of the total assessed valuation of the
12 municipality.

13 ↪ Notwithstanding the provisions of this subsection, if a county has
14 a population of less than 100,000 or if a city has a population of less
15 than 150,000 at the time the municipality issues securities for a tax
16 increment area pursuant to NRS 278C.280, the revenue limitation
17 set forth in paragraph (b) must remain the revenue limitation for the
18 tax increment area until such time as the securities issued for that
19 tax increment area pursuant to NRS 278C.280 have been paid in
20 full, including any securities issued to refund those securities,
21 regardless of whether the population of the municipality reaches or
22 exceeds 100,000 after the issuance of those securities.

23 3. If the revenue paid to a tax increment area must be limited
24 pursuant to paragraph (a) or (b) of subsection 2 and the municipality
25 has more than one redevelopment agency or tax increment area, or
26 one of each, the municipality shall determine the allocation to each
27 agency and area. Any revenue that would be allocated to a tax
28 increment area but for the provisions of this section must be paid
29 into the funds of the respective taxing agencies.

30 4. The portion of the taxes levied each year in excess of the
31 amount determined pursuant to paragraph (a) of subsection 1 which
32 is attributable to any tax rate levied by a taxing agency:

33 (a) To produce revenue in an amount sufficient to make annual
34 repayments of the principal of, and the interest on, any bonded
35 indebtedness that was approved by a majority of the registered
36 voters within the area of the taxing agency voting upon the question,
37 must be allocated to, and when collected must be paid into, the debt
38 service fund of that taxing agency.

39 (b) In excess of any tax rate of that taxing agency applicable to
40 the last taxation of the property before the effective date of the
41 ordinance, if that additional rate was approved by a majority of the
42 registered voters within the area of the taxing agency voting upon
43 the question, must be allocated to, and when collected must be paid
44 into, the appropriate fund of that taxing agency.



1 (c) Pursuant to NRS 387.3285 or 387.3287, if that rate was
2 approved by a majority of the registered voters within the area of the
3 taxing agency voting upon the question, must be allocated to, and
4 when collected must be paid into, the appropriate fund of that taxing
5 agency.

6 (d) For the support of the *system of* public ~~schools~~ *education*
7 within a county school district pursuant to NRS 387.195, must be
8 allocated to, and when collected must be paid into, the appropriate
9 fund of that taxing agency.

10 5. The provisions of paragraph (a) of subsection 4 include,
11 without limitation, a tax rate approved for bonds of a county school
12 district issued pursuant to NRS 350.020, including, without
13 limitation, amounts necessary for a reserve account in the debt
14 service fund.

15 6. As used in this section, the term “last equalized assessment
16 roll” means the assessment roll in existence on the 15th day of
17 March immediately preceding the effective date of the ordinance.

18 **Sec. 33.** This act becomes effective on July 1, 2013.



